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# PARLIAMENTARY AFFAIRS

THE JOURNAL OF THE HANSARD SOCIETY

HONORARY EDITOR: STEPHEN KING-HALL

EDITOR: SYDNEY D. BAILEY

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THE HANSARD SOCIETY, 39 Millbank, London, S.W.1



## THE HANSARD SOCIETY

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## HANSARD SOCIETY NEWS

by STEPHEN KING-HALL

*Chairman of the Council and Honorary Director*

TWO events of considerable importance have occurred in the history of the Society since the last issue of *Parliamentary Affairs* went to press. The Annual General Meeting on 17th November, 1949, was followed on 13th December by the official opening of Hansard House. The speeches made on that occasion were recorded and are summarized on pages 300/6 of this issue. The Council greatly regretted that accommodation difficulties made it impossible to invite the general body of the members to the ceremony.

The opening ceremony was brief and to the point, and the names of the guests of honour are a tribute to the esteem in which the work of the Society is held by the leaders of all the political parties. The limited accommodation of Hansard House was filled to capacity by the other guests who represented both Houses of Parliament, the Commonwealth, a number of foreign countries, and a cross-section of British public life.

During the period now being reviewed the Society entertained for a fortnight another all-party group of German Parliamentarians. With the coming into force of the new German Constitution, these visits of German politicians, of which the one mentioned above was the seventh, have been suspended. Many appreciative tributes have been received by the Council from our German guests and from the British authorities in Germany testifying to the value of these visits and to their usefulness to the Germans during a period in which the German politicians were preparing to establish the Bonn Parliament. It is expected that later on in the year I shall be able to accept an invitation to visit Bonn with the Assistant Director and discuss with German Parliamentarians the development of our work in Germany.

The Youth Conferences held by the Society in London have become modestly famous, and it is now intended to hold similar conferences in some of the principal provincial towns.

At the beginning of December an experiment was started of holding small informal meetings at 6 p.m. once a month at Hansard House for members and their friends. Two meetings have so far been held and were well attended. The first was addressed by Professor W. E. Binkley, who spoke on "Must America Remodel its Government?" The second should have been addressed by Mr. R. W. G. Mackay, M.P., but in his unavoidable absence abroad Sir Frank N. Tribe, K.C.B., K.B.E., Comptroller and Auditor-General, spoke on the subject of "Parliamentary Control of Public Expenditure". Further meetings have been arranged as follows:

- |            |                                                                     |
|------------|---------------------------------------------------------------------|
| 6th March. | Professor W. A. Robson on "Parliament and the Public Corporations". |
| 3rd April. | Film Show.                                                          |
| 1st May.   | Captain J. D. Lambert on "The Irish Party in the House of Commons". |
| 5th June.  | Mr. R. W. Perceval on "The Origins of Parliamentary Procedure".     |

The Imperial Relations Trust has made a grant to cover the cost of supplying to all University and College Libraries in the Commonwealth sets of some of our publications.

Among the forthcoming publications of the Society are two pamphlets by Miss Kathleen Gibberd called *Questions on Parliament* and *Answers to Questions on Parliament*. These pamphlets have been specially designed for those who conduct "Civics" and "Current Affairs" classes. The first pamphlet contains a series of 100 questions on Parliament and the second pamphlet contains the answers. The pamphlets cost 6d. each, but special terms can be arranged for bulk orders from schools and other institutions.

A 16 mm. sound-track film of the opening of the Canadian Parliament is now in the possession of the Hansard Society. It can be hired for display although a deposit (returnable) will be required. Further information can be obtained from the Secretary, the Hansard Society.

Many members of the Hansard Society will know of the Fulbright Agreement under which sterling acquired by the American Government by the sale in the U.K. of surplus war stores is used to finance an Anglo-American educational programme. At present some 160 American scholars are in receipt of awards under this programme and are studying at British universities. Many of them are working in the parliamentary field, and the Hansard Society has gladly agreed to a proposal of the U.S. Educational Commission in the United Kingdom that the Society should give what help it can to these scholars. At the same time it seemed right that members of the Hansard Society should have an opportunity of meeting these American visitors. They are working in different parts of the country, including the following universities: Aberdeen, Aberystwyth, Birmingham, Bristol, Cambridge, Durham, Edinburgh, Exeter, Glasgow, Liverpool, London, Manchester, Oxford, St. Andrews, and Sheffield. Any member of the Hansard Society who would like to be put in touch with any of these American scholars should write to the Assistant Secretary, United States Educational Commission, 55 Upper Brook Street, London, W.1.

The small but growing library of the Hansard Society contains approximately 1,000 volumes excluding pamphlets and the complete set of Hansard. We realize that the usefulness of a library greatly depends upon it being scientifically catalogued and arranged and that this is a job for experts; furthermore, that this job should be done at the earliest possible moment before the library becomes too large. Is there amongst our members or their friends a professional librarian, retired or otherwise, who would be willing to call at Hansard House, 39 Millbank, and advise us upon this problem?

I report the following donations as an encouragement to others: K-H Services Ltd. (*National News-Letter*), a seven-year covenant of £500 per annum; Mr. W. Greville Collins, for organizing Provincial Youth Conferences, £500; a member who wishes to remain anonymous, for the Hansard House Furnishing Fund, £100; Mr. Coleman of New York, for the general work of the Society, £100.

## THE OFFICIAL OPENING OF HANSARD HOUSE

*The Official Opening of Hansard House, 39 Millbank, Westminster, took place on 13th December, 1949. The guests of honour were His Grace the Lord Archbishop of Canterbury, the Rt. Hon. the Lord Chancellor, the Rt. Hon. the Prime Minister, the Rt. Hon. the Speaker of the House of Commons, the Rt. Hon. Viscount Samuel, and the Rt. Hon. Oliver Stanley, M.P. The following is a summarized report of the speeches.*

*Commander King-Hall:*

"On behalf of the Council and members of the Hansard Society, I thank you all for the honour which you have paid us in coming here today. A number of members of the Society who are unable to be present have sent us messages. . . . These will be reproduced in the official report of our proceedings. . . . Emerson wrote that we ask for long life, but it is deep life or grand moments which signify. This is a grand moment in the young life of the Hansard Society. I shall say no more than to observe that the magnitude and the significance and the grandeur of that moment will only be known in the distant future, when the quality and the influence of the work of this Society for the free way of life through the medium of parliamentary institutions takes its place in the perspective of history. . . ."

*The Lord Chancellor:*

"I have to extol the merits of the House of Lords in a time no longer than that allowed to the Speaker to extol the merits of the House of Commons, and that is obviously an impossible task. I shall content myself with saying very little. I earnestly wish success to the great work which the Hansard Society is doing. We pride ourselves on living in

a democracy, and, for the proper functioning of a democracy it is necessary that the electors shall take an intelligent interest in what is going on in political life. I believe that our House, which is in no sense a rival to 'the other place', does perform a very useful function alike in the quality and character of its debates. I wish that a knowledge of those debates and of our proceedings was more widely diffused amongst the people, and this would surely happen if only the people wanted this information. Recently we had a very interesting discussion, illuminated by very remarkable speeches. My own was one of them. It was on the question as to whether we should or should not afford a passage to the Parliament Bill, and I looked with interest at an organ of the popular press the next morning to see what was said about the debate in general and my speech in particular. I regret to tell you—and this is a solemn fact—I regret to tell you that in that paper there was no reference whatever to the fact that we had even had a debate. It was the day when the papers were reporting a case which made reference to 'million volt kisses', and the report of this case completely crowded out the information about the House of Lords. I am not making the slightest complaint about the press—not the slightest. The press, I have no doubt, give the public what the public want, but if only the public wanted to hear more of what takes place in the way of sensible discussions in our House and in 'the other place', I am sure we might have crowded out the detailed report of the case in question. Therefore I earnestly hope that the Hansard Society will succeed in stimulating the interest of the public in the proceedings in Parliament, and if they succeed, then our debates will be more adequately reported in the press. After all, democracy, which involves a large measure of tolerance, is really based upon government by discussion; and if discussion is to be valuable the people must be interested in what is taking place. The Hansard Society is trying to bring this about, and therefore I believe that the Hansard Society is performing a most useful and valuable work on behalf of democracy, and I give my support to its work."

*The Prime Minister:*

"It is, I think, characteristic of our system of government and our democracy that I should be here today in a dual capacity—as a party leader and as Prime Minister. Sometimes, of course, those positions might seem incompatible, but today in welcoming the activities of the Hansard Society, I can welcome in both capacities. Not that I would suggest that the Government should support the Hansard Society financially. I am not authorized by the Chancellor of the Exchequer to do any such thing, and I am quite sure that the Hansard Society will want to keep itself entirely and completely independent. But speaking from the Government's point of view, I think it is essential that the people should know as much as possible of what goes on in Parliament. From the party point of view, I take the same line. And this is a thing, I am quite sure, where Members of all parties are united, because there is not a Member in either House who would not like to have a very full report of his valuable contributions to debate circulated far and wide. But the Hansard Society's activities extend not only to the people of this country but to the people of the world. I am sure that the more other countries know of what we are doing, the better, because it is not very easy for them to understand our particular system. Our system of democracy, our curious constitutional methods, are not, I think, really an exportable commodity. It is true that our system can be reproduced by people of our race in other countries, but if you try and export it to other countries, it is apt to suffer a sea-change, mainly because all political institutions must be suited to the particular genius of a particular nation. But it is important that they should try to understand how ours work, and I am quite sure therefore that the Hansard Society is doing very valuable work. What gives life to our forms, our habits, and our customs is the spirit of democracy. And at no time, I think, in the history of the world was it more important that the spirit of democracy should be emphasized, because there are grave dangers today, and to all of us who believe in the freedom of the human spirit, democracy is the great

*The Speaker:*

"I seldom speak and therefore I have very little to say this afternoon. Commander King-Hall kindly sent me some notes and one note was that I was the spokesman for the House of Commons. Well, I am sometimes, but only when they authorize me. I have not been particularly authorized today, but I think I can say on behalf of all Members of the House of Commons that we give our hearty support to the Hansard Society. I think I had better say almost all, and I should say 99½ per cent., because I did notice in some paper the other day that apparently somebody, I do not know if he is a Member of Parliament or not, did not seem to approve. But I am quite certain that is not the opinion of anybody who knows the House of Commons really at its heart. I was gratified that the Lord Chancellor was here, and I hope that the Hansard Society will support his Chamber as well as the House of Commons. . . . There is one other thing I would like to say, knowing how many big queues there are outside the House of Commons of strangers trying to come in to hear our debates. That shows there is a tremendous interest in what is happening in Parliament. The public get very poor seats, very often they hear very little, but always there is this long queue outside of people taking an interest in the proceedings of our House of Commons. I think that is a very good sign, but what they really need more than anything else is to be instructed about our procedure and about what actually happens from day to day in the House. . . . My presence here as Speaker of the House of Commons is to say that I am quite certain that I can speak on behalf of a very large majority of Members of the House of all parties that we wish well to this Hansard Society."

*Viscount Samuel:*

"I have been lately engaged, in the House of Lords and elsewhere, for example in a deputation to my friend, the Lord President of the Council now sitting by me, in urging the claims of voluntary organizations. I think the nation does not fully realize the important part played in its life by



voluntary organizations, standing between the individual and the state. Our great Churches, Universities, institutions like the National Trust, associations of all kinds—industrial, professional, athletic, scientific, artistic and political—all these are of the very tissue, the living tissue of the nation. To these institutions recently another has been added, the Hansard Society, which will take rank, I have no doubt, as one of these permanent and most useful voluntary institutions. It has developed very rapidly. It has collected widespread support, because it fulfills a need. . . . The politics of today is the history of tomorrow, and we may say that *Hansard* is history's ear already listening. And politics for Members of Parliament is an arduous task and complicated. The House of Lords is on a different footing. We have not got the claims of constituents to consider. It has been well said that a Peer's constituency is under his own hat. But the Members of Parliament in general have the constant claims of their constituents and many other arduous duties. Gone are the quiet, placid days when Samuel Pepys could be elected a Member of the House of Commons for the Castle Rising constituency in Norfolk by 29 votes to 7. This Society helps to give Members information, and to make suggestions that may assist them in their work. And on the other hand, it shows Parliament to the world, not only to our own electorate but also to foreign countries anxious to study the workings of the most successful democracy on the globe. It has been said that 'a nation is the average of its people urged on by the few'. Those few are the pioneers, the founders, the leaders of our voluntary associations, and here in the case of the Hansard Society we have, as Chairman and Honorary Director, one of the most valued, and one of the most efficient of that few, a pioneer of this Society and its most active leader. I think we should take this opportunity of expressing our gratitude to Commander King-Hall for the devotion and the energy which he has given to this Society. It is he more than any other one man who has given it its present scope and importance and we trust that he will continue to lead it to the greater developments which assuredly await it."

*Mr. Oliver Stanley:*

“There is this among other differences between me and the other speakers. They are what I might call players in their own right. I am only a substitute, one of those unfortunate people who, you remember, are allowed the work of fielding but not the pleasure of batting. . . . I am here, however, as substitute for a man whom unfortunately it is impossible to be a substitute for, and that is Winston Churchill. I have, though, a letter which he has asked me to read to this meeting:

‘Please express to the Chairman and Council of the Hansard Society my great regret at being unable to be with them on the occasion of the opening of their new headquarters. As a member of the Society, I have followed its work from the earliest days with great sympathy and admiration. I hope it will go forward from its new headquarters and receive from men and women of all parties and of none the support it so fully merits.’

Well, Mr. Chairman, you, rightly doubting the ability of a substitute, were kind enough fully to map out the remaining minutes at my disposal. I have first of all to touch lightly on the origins of the democratic spirit both in this country and in the United States, and at the same time to make some critical comparison between the way in which the community of spirit has been translated into a difference of constitution. I am then to proceed to give a favourable comment on the December issue of the Hansard Society’s Journal. . . . And thirdly I have to draw, I gather in a jocular spirit, some comparison between the statutory impermanence of the House of Commons and the privileged stability of the Hansard Society. And in case I should be at a loss, I was even supplied with the appropriate jokes. This opened out a very pleasant vista to me, until I saw at the bottom of the paper the ominous notice that within six minutes of my rising to my feet, the Lord Chancellor and the Speaker would have left the building. I hope, therefore, you will permit me to do what in my younger and more unregenerate days I might have described as ignoring my riding orders, and concentrate merely on one

point. It does seem to me that the real purpose of the Hansard Society is to impress, not only upon this country but upon peoples throughout the world, that the real meaning of democracy lies in its spirit and not its form; that it is perfectly possible for people to enjoy this community of democratic spirit and yet enjoy it under wholly different forms, just as it is quite possible for people to enjoy forms which are not far dissimilar from ours and yet have no content whatsoever of the spirit that really makes democracy. That is a lesson which to me is of particular importance. As an ex-Colonial Secretary, I have had the privilege of starting some of these vast territories upon the road to what we call democratic self-government and now, under a new but perhaps transient dispensation, I still have the privilege of watching their progress, always with interest, sometimes with hope, sometimes with anxiety. But I am perfectly certain that to those millions of people striving towards this goal on which we all agree, you, Sir, and your Society have an important lesson to teach, and that is this lesson: let them look to the spirit and not so much to the form. . . . I am rather, I am afraid, echoing the Prime Minister, a task which I do not often find myself doing, when I reiterate what he said, and that is that peoples all over the world, provided that they grasp the essentials of the spirit, should not be too anxious to copy the forms of others. Rather let them do as we do and allow the spirit of democracy, the feeling of freedom, of liberty and the rule of law, develop institutions fitted to their own character, to their own traditions, to their own design. . . . That is the part of your work that I regard as perhaps the most important, and it is because of that that I offer to you, not only on my own behalf but on behalf of my party, every success for your future."

*Commander King-Hall:*

"I feel now entitled to declare that Hansard House has been most thoroughly opened, and I shall adjourn the proceedings until 1959 when our lease expires and by which time I know we shall require larger accommodation."



Hansard House, 39 Millbank, Westminster, London.



This illustration forms the frontispiece to *Journals of the Parliaments of Queen Elizabeth* by Sir Simonds D'Ewes, and is thought by some to show Queen Elizabeth giving the Royal assent.

## HENRY VIII AND THE ORIGIN OF ROYAL ASSENT BY COMMISSION

by R. W. PERCEVAL  
(*A Clerk in the House of Lords*)

**I**N the Statutes of the thirty-third year of King Henry VIII there stand, at Chapter 21, two brief declaratory sections, asserting that the giving of the Royal Assent to Bills by Commission is and always has been, and always will be, as good as the giving of it by the King in person. The two clauses are part of an Act for the Attainder of Queen Catherine Howard and other persons, which is not printed and was not even entered at the time on the Statute Roll. I think that the curious story of these clauses, from which our present periodical Commissions for giving the Royal Assent to Bills draw their authority, is worth telling both for its own sake and for the sense it gives of the atmosphere of Parliament under Henry VIII.

On Monday 16th January, 1542, Parliament was opened. The Lord Steward, says the Lords Journal in measured and sonorous Latin, after hearing the roll of Lords and Commons called, "repaired to a different Position; and the rest of the Peers, each in their Scarlet Gowns (which they call Robes of Parliament) disposed themselves in their due Places, to await the Royal Advent. When they had all taken their Seats, and the Commons were ready outside the Hall, behold the King's Majesty, robed in Purple, came with splendid Step through the midst of the Hall, and, as with impressive Dignity the whole Assembly arose to greet him, mounted and took his seat upon the Throne. . . . Then the Lord High Chancellor, a man of Eloquence and Erudition, with equal Brilliance and Grace, delivered to the Company a Homily, that each of them there present should consider

with himself what a Prince they had; of what Goodness, and Wisdom; of what Circumspection and Foresight; of what Happiness and Good Fortune in all that he touched. And as often as he mentioned (as he often did) the King's Majesty in his Speech, all with one accord bowed themselves almost to the Ground, in Acknowledgment of the Truth of all that he said in Praise of the King. . . . The Lord Chancellor's Speech was of such Prolixity, as neither to admit of being Written Down in Three hours, nor Read in One:<sup>1</sup> so that the Parliamentary Clerks, being at the time distracted with much other Business, were scarce able to reduce to writing an Abridgment thereof; which, however, in discharge of their Office, they have here appended" (and I have omitted).

At the end of the Abridgment, which itself is by our standards fairly lengthy, the Lord Chancellor breaks off with the reflection that "Human Nature is an ingenious Contriver of Evils for which there is no Legal Remedy existing, and for which new Laws are therefore required; in making which, the Circumstances of the Crimes and the Qualities of the Criminals are pre-eminently to be borne in mind. As, for instance, a Blow struck by a Friend or a Kinsman is weightier than one from the Hand of a Foe, so is the crime of Treason to be regarded the more seriously . . ." and there the record breaks off, but we know that the sense of the next piece must have been "when it occurs in the bosom of the King's own family". For Henry's newly-wedded Queen, Catherine Howard, had just been taken in adultery, and Parliament had been summoned in order that the King might employ against her his favourite weapon for striking down the great—Attainder. For this, accordingly, Parliament prepared itself.

But it was a delicate business, and there were one or two false starts. After two days spent in formal business, a Bill of Attainder against the Queen and certain accomplices was introduced and read a first time in the Lords on the 21st January; but then Henry had misgivings, and for four sitting days the matter hung fire. On Saturday the 28th the Lord

<sup>1</sup> I wish the Clerks could make such entries in the Journals to-day!

Chancellor cautioned the Lords against undue haste in proceeding with the Bill: they should remember that the accused was a Queen; and he thought on the whole it would be best if she were interviewed by a Joint Committee of Lords and Commons, to fortify her womanish timidity, assist her in the preparation of her case, and remind her that the King was as favourable as the Law was fair to her (which, unfortunately for Catherine, was quite true). This proposal was agreed to by the House.

But over the week-end the Privy Council altered course again. "The Council had put off the proposed interview with the Queen", announced the Lord Chancellor on Monday the 30th, "because one or two things had occurred to them of no small importance, which required to be put to His Majesty, or rather thrashed out with His Majesty. They thought His Majesty ought to be invited to consider, with his usual sagacity, that the balance of human affairs was mutable and unstable; that Nature was corrupt and frail; that all were subject to misfortune, none were completely happy; and that he should therefore vouchsafe, considering that the welfare of the whole Kingdom depended on him, to free himself by such reflections as these from all anxiety and solicitude." And further that the Bills of Attainder should be proceeded with, and should receive the Royal Assent without delay, not as in former Parliaments from the King's own mouth, but by Letters Patent, "lest the repetition of so grievous a Story, and the recital of so infamous a Crime, in the King's presence, might reopen a Wound already closing in the Royal Bosom". A committee was therefore appointed to put these points to the King. Next day it was announced that His Majesty had "with great Clemency, and unexampled Humanity", agreed to them all, and that, "although the Law forbade open discussion of the shamelessness of Queens, the King had further been graciously pleased to permit freedom of speech on that subject, so long as it proceeded from a Good Zeal and not from Malicious Intent". He had informed representatives of the House of Commons to the same effect, and had taken the opportunity at the same time to lecture both Houses on



their failure to show a proper team spirit in legislation, whereby several valuable Bills had in recent sessions been lost.

A week later, accordingly, on the 6th of February, a new bill to attain the Queen and others was read a first time in the Lords. It had a second reading on the 7th, and was read a third time and sent to the Commons on the 8th. On the 11th it was returned from the Commons, agreed to; and that same day the Lord Chancellor produced in the House of Lords a bundle consisting of this Bill of Attainder, a bill dealing with lunatics convicted of treason, and the King's Letters Patent giving the Royal Assent to both. All these documents were tied together with a parchment tape, which passed through a slit at the bottom of them and bore the Great Seal. This bundle survives in the Victoria Tower, and I have it before me as I write. The Letters Patent are very hurriedly written, in English, and, though more verbose, are in substantially the same form as the present Royal Commissions for giving the Royal Assent to bills. The two bills in the bundle are much more carefully and neatly written out; the one on lunatics calls for no comment; it is a normal sort of reform in the administration of the law and is printed in the Statutes at Large, 33 Henry VIII, cap. 20. The Bill of Attainder, on the other hand, has, buried in the midst of two square feet of tiny handwriting, the two clauses printed in the Statutes as chapter 21 of 33 Henry VIII. They declare that a Royal Assent given by Commission is and ever was, and ever shall be too, every bit as good as Royal Assents given in person, any usage, law, or custom of Parliament to the contrary notwithstanding.

This impressive-looking bundle of parchments was displayed by the Lord Chancellor to the Peers, who after some debate resolved to summon the Commons and "give to the said Bills the Force and Authority of Law in the presence of both Houses and of the whole Council of Parliament: which was done". And so for the first time the Royal Assent was given in writing and in the middle of the session—for hitherto, of course, the King had never signified his assent to bills until just before the dispersal of Parliament.

Various points of interest emerge from this curious story. In the first place, of course, the horrible hypocrisy of the whole episode needs no emphasis. Henry VIII displays himself as Hitler and Louis XIV rolled into one: not an attractive combination. There was no doubt, of course, of Catherine Howard's guilt; but as a mitigating circumstance in her favour it should be remembered that both England and Henry longed passionately for a royal heir male, stronger and more likely to survive than the sickly young Prince who was later Edward VI. Henry had been through four wives already in the effort to found his dynasty securely; and without condoning Catherine's fault, we may at least say that in her case the motives for adultery were unusually pressing: if she produced a male heir, her position was assured; if she failed to do so, it was fairly obvious, from the history of her predecessors, that she would be got rid of; and that same history did not suggest that the King's previous failure to beget a satisfactory heir had been the fault of his wives.

So much for the moral side of the transaction. On the legal and historical side, it presents some curious anomalies. In the first place, Parliament, in adopting the new procedure in this way, was as it were lifting itself up by its own bootstraps. For the Act authorizing the new method was itself passed by the new method—a proceeding which cannot have left the lawyers happy. It is true that the clauses relating to the Letters Patent were in form declaratory—they purported to be merely a statement of existing law. But they specifically admit that what they enact is contrary to the custom of Parliament; and if Henry VIII had not been so absolute a monarch, and his Parliament so subservient, such a change could probably not have been made, at least without an enabling Act passed in the old and proper form.

And why, if it was necessary and right to put these two declaratory clauses in the Act of Attainder, should they not have been put in the other Act passed at the same time—the Lunatic Act? Both Houses seem to have agreed beforehand that the Act of Attainder should be given the Royal Assent by Letters Patent, but there is no record of any such agreement

for the Lunatic Act. We cannot escape the conclusion that, whichever way it is looked at, this first Royal Assent by Commission was a very high-handed proceeding.

Historically, too, the transaction is puzzling. Henry and his Council seem to have been aware that what they wanted to do was contrary to constitutional usage; and so they inserted in the Bill of Attainder a clause asserting that their proposals were, and always had been, quite legal and proper. But if so, why bother to say so? It is perhaps worth investigating for a moment just how far Henry was deviating from the constitutional practice of his predecessors; and after that we shall trace the evolution of Henry's hasty expedient into the regular practice of to-day.

The Royal Assent had, of course, been given otherwise than by the King in person before. During the long infancy, and subsequent mental incompetence, of Henry VI, and the absence in France of Henry V, it must have been given by the Protector of the Realm, appointed to wield the King's powers during his absence or incapacity. But there was a difference between such cases and that of the attainder of Queen Catherine. Protectors had exercised all, or nearly all, the King's powers inside the kingdom, and had done so continuously until relieved of their office. Henry VIII wished merely to exercise by letter one of his functions on one occasion only; he did not (as is now done) appoint Commissioners to sit in front of his Throne and take his place: he simply gave his consent in writing instead of orally, for this occasion only. He possibly had no intention of doing it again, or making it a regular thing, for he came down in person to Parliament six weeks later and personally passed a good many Bills. But in 1543 Parliament was prorogued, and the Royal Assent given, by a Commission to be declared and notified by the Lord High Treasurer, the Duke of Norfolk: yet in 1545, Henry prorogued in person. In 1547, he gave his consent by Letters Patent on his death-bed to a Bill attaining the Duke of Norfolk and his son, the Earl of Arundel.

The following table shows the number of Commissions from 1547 down to 1770:

| <i>Year</i> | <i>Number of<br/>Commissions</i> |
|-------------|----------------------------------|
| 1586        | 1                                |
| 1620        | 1                                |
| 1625        | 1                                |
| 1642        | 9                                |
| 1643        | 5                                |
| 1662        | 1                                |
| 1663        | 1                                |
| 1668        | 1                                |
| 1702        | 2                                |
| 1707        | 1                                |
| 1708        | 5                                |
| 1709        | 1                                |
| 1710        | 4                                |
| 1711        | 2                                |
| 1712        | 6                                |
| 1748        | 1                                |
| 1750        | 1                                |
| 1754        | 1                                |
| 1755        | 1                                |
| 1756        | 4                                |
| 1758        | 6                                |
| 1759        | 4                                |
| 1760        | 6                                |
| 1764        | 3                                |
| 1766        | 2                                |
| 1767        | 2                                |
| 1768        | 3                                |
| 1770        | 9                                |

From this table it will be seen that, during the two hundred years from 1550 to 1750, the giving of the Royal Assent by Commission was a rarity, except during the crucial years 1642 and 1643, when King and Parliament were separated, and during the latter part of the reign of Queen Anne. It is not easy to see why the practice changed so suddenly about 1750; the most likely reason, to my mind, is

the very great number of bills, many of them private and unimportant, that were passing through Parliament during the second half of the eighteenth century. Be that as it may, it is certain that between 1770 and the accession of Queen Victoria, it gradually became the custom for the monarch to attend in person only the Prorogation of Parliament, and there to give his Assent to a few bills—normally the most important of the Session, and almost invariably including the Supply Bills. A few days before this, a Commission had been held, to polish off the vast numbers of other bills; and in the closing weeks of the Session there had usually been one or two prior Commissions. Thus:

| <i>Royal Assent by:</i> |          |                |    |                              |
|-------------------------|----------|----------------|----|------------------------------|
| 1774                    | 31 March | King in person | 39 | Bills                        |
|                         | 5 May    | Commission     | 41 | "                            |
|                         | 20 May   | King in person | 51 | "                            |
|                         | 2 June   | Commission     | 23 | "                            |
|                         | 14 June  | "              | 37 | "                            |
|                         | 22 June  | King in person | 10 | " (3 Supply:<br>Prorogation) |
| 1775                    | 3 March  | King in person | 10 | "                            |
|                         | 22 May   | Commission     | 76 | "                            |
|                         | 26 May   | King in person | 19 | " (3 Supply:<br>Prorogation) |
|                         | 22 Dec.  | King in person | 6  | "                            |
| 1776                    | 25 March | Commission     | 50 | "                            |
|                         | 13 May   | "              | 59 | "                            |
|                         | 21 May   | Commission     | 35 | "                            |
|                         | 23 May   | King in person | 17 | " (1 Supply:<br>Prorogation) |

From this table we can almost see the thing happening. The King in 1774 managed to give his Assent in person to batches of thirty-nine and fifty bills. Faced in the following year, however, with the prospect of ninety-five bills at the Prorogation, he struck; and who shall blame him? So seventy-six of the bills were dealt with at a Commission a few days before, and only nineteen reserved for the personal

Assent of the Monarch. From this time onwards, the King (whose mind was giving way) came less and less often to Parliament, until by 1800 it was almost an established custom that the Monarch came in person only at the beginning and end of the Session.

Even this could not be kept up. Queen Victoria, soon after her accession, began to miss Prorogations; and the last time she prorogued in person was in 1854, when, for the last time, the Royal Assent was given in person to divers Bills. It is probable that, had the Prince Consort's untimely death in 1861 not driven the Queen as far as possible out of public life for many years, she might occasionally have given her Assent in person to important Bills; but her absence for forty or fifty years was enough to establish a constitutional convention, and the practice of the personal Royal Assent may almost be said to have lapsed. Not quite: for in Canada, just before the war, the King is said to have given his Assent in person during his visit there; and the practice may yet be revived in this realm. But for the present, at any rate, the emergency procedure evolved by King Henry the Eighth to deal with a supremely embarrassing family difficulty has hardened into a regular part of the Constitution. How unexpectedly that Constitution grows, and what curious materials are built into its fabric!

## THE KITCHEN AND REFRESHMENT ROOMS OF THE HOUSE OF COMMONS

by J. H. WILLCOX

(*An Assistant Clerk in the House of Commons.*)

THE provision of meals for Members of Parliament is looked on by the general public and even by Members themselves as a matter for jest. The popular Press seizes on any oddity of diet with as much eagerness as if it were a first-rate political crisis. Yet the feeding of Members is a serious business: if Members are not fed in the House they must go out to eat, and the business of Parliament suffers in consequence. Speaker Lenthall thus rebuked the House of Commons that cut off King Charles's head: "They were unworthy to sit in this great and wise assembly in a Parliament that would so run forth to their dinners."

The leisurely eighteenth century put up with these interruptions, and it was not until the Bellamy family (of Bellamy's pies) began their long reign as Commons Housekeepers that any service was established. John Bellamy, Housekeeper and Deputy to the Sergeant at Arms, described to a Select Committee in 1833 what had happened: "When my father came to the House, in the year 1773, he was requested by some of the Members to get some refreshments, which he, having only two rooms to do it in, was fearful could not be done. The subject was still pressed on him, and he contrived to meet it. The Members fixed their own prices on the things." The Bellamys, father and son, regarded this as a purely private arrangement, officially nothing to do with the House. It was certainly a very convenient private arrangement for them. They paid no rent. Their furniture, cooking apparatus, cleaning materials, coal, and candles were provided by the Office of Works. The whole of the staff were paid for out of public funds—they worked as cleaners for the House in the early morning, and as cooks, maids, waiters, etc., for Bellamy

in the evening. He paid for the china, glass, and plate only. Under these circumstances, it is not surprising to find that the best dinner, consisting of steaks, veal pie, mutton chops, tarts, salads, pickles, beer, toasted cheese, etc., "and that without regard to quantity", could be provided for 5s. 6d. Even so, the restaurant made no profit—Bellamy maintained that "nothing but a beefsteak or chop could be provided without serious loss to the person providing it." Asked why Alice's Coffee House (another "private arrangement") in Westminster Hall, which had none of the grants and subsidies enjoyed by Bellamy, remained prosperous, he answered that Alice's had "the advantage of the gowns and wigs of the lawyers, who paid a large subscription for the purpose" (the law courts sat in Westminster Hall in those days) "and was kept open the whole year, whereas the refreshment rooms of the House . . . are only open during its sitting." Bellamy did not go on providing meals for Members at considerable financial risk purely out of the kindness of his heart: he was a wine merchant as well as Housekeeper and, said he, "the great advantage of the kitchen to me is that it is an introduction to the sale of wine."

The burning of the old House in 1834, and a series of zealous reforming committees, brought this comfortable state of affairs to an end, just over 100 years ago. In 1848—curiously enough on the 1st April—a Committee was set up to inquire into the arrangements for dining in the new House. Six weeks later another Committee was appointed, to *control* the Kitchen and Refreshment rooms. That Committee, the instrument by which the House looks after its food, has been set up in each year of the last hundred. At first their activities appear to have been very slight. The old system whereby free fuel and furniture was provided by the Office of Works and a grant of £300 was paid for servant's wages, continued under the Committee's aegis. A series of ex-ducal butlers replaced the Bellamys, the "Housekeeper" became the "Keeper of the Refreshment Rooms", and Members continued to eat their meals in the cramped surroundings of Bellamy's kitchen.

The Committee were not entirely satisfied with their



labours, in spite of the momentous innovation in 1852 of "soup and fish into the bill of fare". But when in 1853 they offered the contract to "Messrs. Gunter's, Messrs. Staples of the Albion and other persons" these firms declined to take it. Similar offers have been made at various times since, but only once has an outside caterer accepted. The reasons are obvious. In the first place, contractors have always demanded complete control of the staff, which the House, unwilling to see its old servants of 30-40 years standing at the mercy of a new broom, has steadfastly refused. Moreover, commercial firms have not found the extreme uncertainty of the business attractive: each day's business, limited in any case to four-and-a-half days in the week, depends on the interest or dullness of the proceedings in the House; and all is confined to the duration of the Session (about 14 weeks in 1848, about 30 in 1948). It is these difficulties which make a grant almost always necessary. Incidentally, the amount of grant *per meal* rose from 1s. in the 1850's to 1s. 6d. in 1885, and that required in 1948 was equivalent to about 11d.

Contractor or no, the House has never very willingly granted financial assistance. When in 1863 the Committee asked for the £300 originally given to pay servants wages to be increased to £500, one Member protested indignantly: "Whatever Hon. Members had in that House, for that they ought to pay. If what was now proposed were done, it would be *the first step towards the payment of Members*. Let not the Chancellor of the Exchequer, then, be asked to contribute for such a purpose." Mr. Bass, on the other hand, maintained that "It would be a great convenience, and *a means of advancing business in the House*, if Hon. Members had an opportunity of dining in decency and comfort. There was no truth more commonly acknowledged." The money was granted and the Committee went on its leisurely mid-Victorian way. Several times they complained that the Dining Rooms "are badly ventilated, inconvenient and too small"; in another year they resolved "That the Clerk do write to Messrs. Green asking them to explain the fact that *a drunken man* came to remove and replace some of Messrs. Green's wine, and to desire Messrs.

Green to replace a rope and a pulley (the property of the House), stated to have been stolen by that man."

In spite of these vexations, the Committee could record in 1871 the high water mark of their complacency: they "observe with great satisfaction the manifest improvement in the accommodation of Members . . . and the satisfactory way in which the arrangements are carried out by Mr. Nicholes". Unhappily this mood of self-congratulation soon passed and after a series of disappointing years the Committee tried again to find a contractor. This time they succeeded, and Messrs. Gordon's of the City took over the catering. The experiment was not a success and the Committee reported in 1886 "That in view of the general dissatisfaction amongst Members at the present arrangements Your Committee have resolved to terminate the contract . . . the business will be carried on by the Kitchen Committee themselves, who have retained the services of a Manager." That is the system existing today.

This arrangement, though it has resulted in a much improved service to Members, has like its predecessors resulted in most years in either financial loss or a grant from public funds. Only two years after taking over, they had to ask for another £1,000 per year, which was only given after the Committee promised to present annual accounts to the House and to do their best to abolish tipping. The attempt to get rid of tipping was unsuccessful—rather, one gathers, because of the obstinate generosity of Members than the avarice of waiters.

Having triumphed over the Committee in the matter of the accounts, the House then, in 1896, turned its attention to the membership of the Committee. It is difficult to understand why Welsh and not Scottish Members should have been inspired with a determination to force their way into the Kitchen Committee. It is a strange form of nationalism: but no doubt the novel brilliance of Mr. Lloyd George, a new sun on the parliamentary horizon, encouraged these ambitious yearnings. However that may be, the Welsh got their way, and to this day there are two Welsh members on the Committee. It does not seem that Welsh rarebit appears more frequently (or Scotch Woodcock and Irish Stew less) as a result. It has,

however, meant that the Kitchen Committee, unlike other Committees, has not 15 but 17 members.

The Committee were next engaged in a long drawn out guerilla warfare with the Attorney-General and some Members of the House over the Licensing Acts. The Attorney of the time held that the Committee broke the law whenever they allowed a drink to be served in the unlicensed bars of the House, and advised them to bring in a bill to exempt them from the licensing laws. One of the Irish Members expressed the opposite point of view with some vigour: "This House, on a former occasion, took off the heads of a few kings . . . they did not look for law and order on those occasions; and in the case of supplying adequate refreshments we have sufficient warrant in our own necessities to dispense with the necessity for any special legislation." No policeman was willing to face the unknown terrors of Privilege by serving a summons on the Committee, and no decision was reached until 1934 when Sir Alan Herbert obtained a ruling that the courts of law could not interfere with the internal arrangements of the House.

While still under fire from the lawyers the Committee suffered at the hands of the suffragettes. A number of the latter got into the public gallery one afternoon in 1908 and, having chained themselves to the grille, could not be removed. Their loud cries drove the House to adjourn, and made the Speaker close the galleries for the rest of the Session. The resulting loss of custom cost the Committee a considerable amount of money, and they had to ask for a special grant.

Since the recent war the Committee have greatly increased the services available to Members; indeed, during the last hundred years the number of meals served has increased from about 50 a day to over 1,600 a day. They have also succeeded (and in this they must be almost unique) in abolishing tipping; the wages of the staff have been increased and regularized in compensation. And finally they have made themselves the leaders of fashion in the acquisition and serving of what might be called soft currency food. So far this forward policy has not made Members run forth to their dinners like their ancestors of three hundred years ago.

## THE STRUGGLE FOR REPRESENTATIVE INSTITUTIONS IN GERMANY—II

by RICHARD K. ULLMANN, Ph.D. (Frankfurt)

GERMANY was not the only country of Western Europe where parliamentarianism was defeated in 1848. But it was the only one where defeat was consummated by subsequent events. Once again Prussia became the theatre, the protagonist being no longer a highly-strung, vacillating monarch but an ingenious statesman of rare will-power and craft—Bismarck.

William I, who succeeded to the Prussian throne after the mental breakdown of his brother, Frederick William IV, permitted the 1858 elections to be held without interference from the authorities—the first time such freedom had been allowed. In spite of the three-classes ballot, only 59 Conservatives were returned (as against 236 formerly) and 210 Liberals.

The preponderance of the Liberals proved a difficulty when William wished to reform the Army. The Chamber would agree to the reform only if the higher costs were balanced by a reduction of the training period from three to two years and if the popular territorials were preserved. The King considered this an interference with his prerogative as Supreme Commander.<sup>1</sup> The Liberals, who remembered well enough that in 1848 even progressive-minded soldiers had submissively obeyed reactionary absolutism, refused to grant the credits necessary for Army reform except on their own conditions. The King would neither yield nor rule unconstitutionally, and began considering abdication.

In this extremity, William's Minister of War, Roon, who

<sup>1</sup> When in 1871 Queen Victoria and the Duke of Connaught tried to establish a similar prerogative of the Crown over the Army, Gladstone, Prime Minister in a powerful Parliament, dispelled their claim without effort. In 1861, however, Prussia had no parliamentary tradition of long standing.

despised the "constitutional swindle" and the "cesspool of liberalism", advised the King to make Bismarck Prime Minister. William, easily won by Bismarck's clever diplomacy, accepted the latter's willingness to govern unconstitutionally, although he feared for himself the fate of Charles I. Bismarck, however, replied that he himself would not fear to suffer the fate of Lord Strafford. In the years between 1862 and 1866 comparisons between the "conflict" in Prussia and the various stages of the English Revolution became quite commonplace throughout Germany and Europe. But the outcome was very different.

Bismarck hated the "muddy wave of parliamentarianism". He subjected even his foreign policy to his distrust of countries with parliamentary government, especially Britain. His famous saying about "blood and iron" occurred in this characteristic context: "Not by majority decisions and resolutions will the great questions of our time be settled—this was the mistake of the men of 1848 and 1849—but by blood and iron!" He realized, however, that Parliament had come to stay. Since it could not be obliterated, he wished it to be truncated. In this respect Bismarck's outlook was in striking contrast to that of Cavour, otherwise the contemporary statesman most akin to him, who welcomed constitutional criticism of his government in spite of all the difficulties involved.

Bismarck had an entirely erroneous conception of the social movements of his day. This error produced some of his major blunders. Believing that only the newly rich industrial and intellectual middle classes opposed the Crown, he early toyed with the idea of "moving Acheron"; that is, of playing off the Socialist workers' movement against the *bourgeoisie* and, following the pattern of Napoleon III, of establishing a Caesarism based on universal suffrage perverted into plebiscites. On the assumption that industrial workers were at bottom as royalist in sympathy as the agricultural labourers on his own estate, he negotiated with the Socialist Ferdinand Lassalle, who supported Bismarck's idea that the masses could be led by demagoguery more easily than could the middle classes.

But Bismarck preferred to defeat the Liberals without

Socialist support, and succeeded. He levied taxes without money bills, bullied the Chamber, and dissolved it time and time again without obtaining a majority more favourable to him. He debased the Speaker's rights with quibbles (similar scenes were to occur again between von Papen as Chancellor and Göring as Speaker in 1932) and tried to argue that the King's Minister was not under the Speaker's discipline in the House. He based his attack against parliamentary rights on the so-called "lacuna theory", asserting that there was a hole in the Constitution. Government, which is the King's prerogative, must continue even while the three legislative institutions (King, House of Lords, House of Representatives) could not agree on legislation. Bismarck may even have believed that his interpretation was correct since temperamentally he was incapable of understanding the meaning of representative government—or government other than his own.

But unfortunately for the whole future development of Germany, Liberal resistance was weakened and eventually frustrated by two factors. Although the majority of the representatives were Liberal, the three-classes ballot favoured the plutocracy of the new industrial and commercial classes. Only a quarter of those belonging to the third class bothered to vote at all and in the industrial towns of the Ruhr barely one in ten. The first and second classes, who elected two-thirds of the "electors" (who in their turn chose the representatives) comprised only 280,000 voters all over Prussia, which then had a population of 18 millions. The well-to-do Liberal representatives feared that by too radical forms of opposition they might provoke violent revolt, which would favour not Liberalism, but Socialism—the "Acheron". They feared the red peril more than reactionary militarism, a situation to occur in a similar fashion in 1919.

The other factor weakening Liberal resistance was Bismarck's success in foreign policy, which fulfilled their most cherished national aspirations. The Liberals began, for the sake of Prussian self-aggrandizement, to forget the principles of the self-determination of nations in the case of Schleswig-Holstein, which wished to become neither Danish nor

Prussian but an independent German principality. They were eventually bribed into full support of Bismarck's policy by the victory over Austria in 1866 and the foundation of the North German Federation. The way in which Liberals adapted their views to the new situation and turned from fanatic adversaries of Bismarck into his unprincipled adulators, inaugurated the decay of intellectual integrity in Germany.

On 3rd July, 1866, the day of Sadowa, elections took place in which the number of Conservative representatives increased from 38 to 123, although the Liberals continued in a majority. But after the triumph of Bismarck's German policy, the Liberals were divided on the "Immunity Bill" by which, on 3rd September, 1866, the House approved *ex post*, by 230 votes to 75, the expenditures made by Bismarck illegally for Army reform during the four previous years. He did not even promise that in future he would keep to the letter and spirit of the Constitution. "The vote of September 3rd was as decisive a landmark in the history of Germany as was the Bill of Rights in the history of England or the Oath of the Tennis Court in the history of France. In each case the struggle between crown and parliament reached its term; but in Prussia it was the crown which won." (A. J. P. Taylor.)

In the 1860's, such a victory could not have the same meaning as in the seventeenth century. Unadulterated absolutism was a thing of the past, even in Prussia. Bismarck himself, the bully of the Prussian Diet, had to adopt one of the most progressive slogans of his day to achieve his aims in foreign policy and so silence the opposition at home. In April, 1866, he demanded, in the so-called "Confederate Diet" of Frankfurt, the convening of a German Parliament elected by universal vote.

This masterstroke of contradictory policies was intended to outbid Austria. But although Bismarck kept his word, after the war with Austria, and introduced universal, equal, direct manhood suffrage for the *Reichstag* (first of the North German Federation in 1867 and later for the Reich in 1871), he never thought that Parliament should wield much real power. He therefore devised a Constitution which the Prussian Crown

Prince, son-in-law of Queen Victoria, not inappropriately called "an artfully created chaos".

Under this Constitution, the major power of legislation rested not with the *Reichstag* but with the *Bundesrat* (Federal Council). The *Bundesrat* was not a House of States, as planned in 1848, or even a relatively weak second chamber like the *Reichsrat* of the Weimar Republic, but an assembly of envoys from the State governments, without any representative rights of their own. The Federal Council consulted and decided in secret, and had the exclusive right of moving bills and issuing decrees. Each delegate had a varying number of votes, according to the importance of his prince and State, Prussia holding 17 out of a total of 58. However, Prussia's small neighbours, encircled from all sides by Prussian territory, had no choice but to vote with her, so that she could easily command a majority. Moreover, Prussia possessed a veto in matters concerning the Army, Navy, customs and monopolies, and 14 votes were sufficient to prevent constitutional changes.

The Prussian Prime Minister, in the capacity of Foreign Minister, presided. Except for two brief periods the Prussian Prime Minister was also Chancellor of the *Reich*, just as the Prussian King was its Emperor. Bismarck increased further the power accumulated in his person by making the Chancellor the only responsible Minister of the *Reich*, all the other *Reich* Ministers being subordinated to him as mere Secretaries of State. As they did not form a Cabinet or College, a barren departmentalism was introduced, and this was to become one of the causes of Germany's defeat in 1918. When, in 1871, the South German States joined the Federation, the special wishes of Bavaria had to be met by the creation of a Foreign Affairs Committee of the Federal Council under her chairmanship. Prussia was not to sit on the committee. But Bismarck soon managed to foil its activities: in the years between 1871 and 1918 it met only four times. To forestall a drifting towards parliamentarianism, the Constitution also stipulated that no member of Government or Federal Council could at the same time be a member of the *Reichstag* or *vice versa*.

The North German *Reichstag* of 1867, elected by universal



vote, endeavoured from the first to introduce some progressive changes, but with limited success. It introduced the responsibility of the Chancellor without defining to whom he was responsible. In fact he remained dependent on the King of Prussia (who was President of the North German Federation and later German Emperor). The Liberals also tried to replace the Secretaries of State by responsible ministers. In 1869, Bismarck conceded a "moral" responsibility for the Secretary of Finance because he did not feel competent in this field. But in the 70's he continued to frustrate all further Liberal effort in this direction and only made the concession of allowing "deputies" when he was absent.

The *Reichstag* of 1867 made sure that Parliament would assemble regularly, that elections would be secret, and guaranteed freedom of speech in the House, of the Press, of teaching, research, religion and jurisdiction. After the experience of the Prussian "Conflict", the Liberals were not inclined to take risks. The *Reichstag* further managed to break Bismarck's intention of introducing an "iron" (perpetual) budget for the army. The Army budget comprised nine-tenths of all *Reich* expenditure, since besides the administration of customs and the consular and diplomatic services, the Army was the only Federal concern. Education, social welfare, law, etc., were largely left to the States. Thus the right of voting supply was the central prerogative left to the *Reichstag*. The Liberals demanded that each Parliament should have at least one chance of debating the Army expenditure and therefore wanted a triennial budget. But Bismarck ensured a septennial one, even when in 1888 the normal parliamentary period was increased from three to five years. On Bismarck's part this was merely a matter of prestige because, with the ever-growing rearmament, supplementary budgets had to be moved almost biennially. Only in 1893, after Bismarck's dismissal, was the *Reichstag* (to be made more compliant for a further increase of the budget) given the right of a quinquennial army budget. This meant that every *Reichstag* would vote supplies at least once during its life-time.

Between 1867 and 1870 the North German *Reichstag*

could, for the discussion of customs affairs, be enlarged into a "Customs Parliament". The South German States, not yet being members of the Federation, were still members of the Prussian-South German Customs Union, founded in 1834. This is an interesting example of a functional Parliament. It is also noteworthy that the members elected to this Customs Parliament in the South German States were in the main enemies of Prussian supremacy and the North German Federation. Smaller Germany, not Greater Prussia, was their ideal. But eventually they had to accept the *Reich* in the form contrived by Bismarck.

In December, 1870, Eduard von Simson headed the deputation of the North German *Reichstag* which, grudgingly admitted to the presence of William I, submitted a humble petition that the King would condescend to accept the new dignity offered by his peers under the pressure of events. By an historic irony it was the same von Simson who, as Speaker, had headed the 1849 delegation which offered the imperial crown to the King of Prussia on behalf of the Frankfurt Assembly—as a free act!

It is not surprising that a *Reichstag* of so little weight could not win much prestige, and it was soon nicknamed "*Quasselbude*"—which may be politely translated as "chatterbox". Government circles derided it at will. One ultra *junker* of the Prussian Diet remarked that a lieutenant and ten privates could disperse it easily. William II called its members "a bunch of fools" and boasted after twenty years' rule that he had never read the Constitution. He even issued an order to Bismarck and later to Bülow forbidding each of them to see members of Parliament in private.

This was the sort of stupidity of which Bismarck was never guilty. On the contrary, he used to invite those members friendly to his policy to his famous parliamentary beer parties. From the changing faces which appeared at these parties, augurs could predict changes of policy.

While a Parliament thus constituted could not attract men of talent—who preferred careers in the armed forces, the civil service or in commerce and industry—a sound parliamentary

tradition still survived in Bismarck's day. This derived from 1848 and from the years between 1862 and 1866. Some of the older members of Parliament deserve to be remembered for their personalities, oratory and activities. Virchow, Windhorst, Richter, Lasker, Bennigsen, Bamberger, Bebel and Liebknecht are not inferior to contemporary parliamentarians in other countries.

Bismarck did not rely on definite government majorities but chose his support according to his policy. For the first eight years after 1871 he found it most among the National Liberals, who once more betrayed one of their principles, that of freedom of conscience, when they backed his anti-Catholic legislation during the *Kulturkampf*. But they did not at first follow suit in his anti-Socialist drive and certainly would not have supported his switch from Free Trade to Protectionism which, apart from the more obvious social, economic and strategic considerations, was introduced also with a view to providing a higher income from customs duties, hoping thus to make the Government less dependent on *Reichstag* grants. As the National Liberals stuck to Free Trade, Bismarck reconciled the Catholics and recruited them for his campaign against the Socialists.

In spite of persecution and oppression, hardly modified by the influence of the moderate parties, in spite also of Bismarck's very progressive social legislation, the Socialists were not beaten but increased their numbers rapidly. Bismarck finally realized fully how mistaken he had been in assuming that the introduction of universal suffrage would bring support for royalism rather than for Socialism. He tried to get rid of the *Reichstag* which, however powerless, was still the platform of Socialist propaganda. His plan was to move anti-Socialist bills so stringent that every *Reichstag* would reject them, to dissolve it again and again over this issue; hoping thus to prove its uselessness, and finally to dissolve the *Reich* itself by decree of the Federal Council. This would have been quite unconstitutional and actually high treason against his own creation. He expected, however, that it would rouse the Socialists into rebellion, which he could then suppress by the Army. After-

wards he planned to found a new *Reich* without a Parliament but with some corporative representation or some sort of Estates.

This adventurous policy of a new "Conflict" was prevented by the young Emperor William II who presumed that he would succeed where the old Chancellor had failed, namely, in winning the workers back from Socialism. Bismarck was dismissed. It is of symbolical significance that five years later, the *Reichstag* refused to congratulate him on his eightieth birthday.

Under the mediocre Chancellors who followed Bismarck, the *Reichstag* seemed to share the decline of German statecraft—instead of taking advantage of the mediocrity of the Chancellor to improve its own powers and prestige. In a number of imbroglios of minor interest the parties and their leaders became more and more narrow-minded in the pursuit of wider parliamentary privileges.

Only thrice did the *Reichstag* live up to its moral responsibilities. In 1906, during the inhuman war of annihilation against the West African tribe of the Hereros, it refused the grant of further credits with an almost Gladstonian righteousness. But after it was dissolved, a new *Reichstag*, backed by the majority of the German people, complied with the Government's demands. The second instance occurred in 1908 when a storm broke over the Emperor's foolish interview given to the London *Daily Telegraph*, and both Parliament and public opinion rose against his irresponsible amateurishness. The third incident came in 1913 when the *Reichstag* defeated (by 254 to 53 votes) the Government's attempt to cover and even to defend the presumption of some Army officers who had usurped the powers of the civilian authority in the small town of Zabern in Alsace.

On the whole, the Government relied on the Conservatives who—in contrast to their English opposite numbers—attended Parliament as declared enemies of parliamentarianism. Their presence delayed the most necessary political, social and financial reforms and thus inevitably strengthened the Social Democrats, who became the strongest party some time before the first world war.

The parliamentary situation was aggravated by the fact that the member States of the *Reich* had achieved very different stages of representative government and undertook reform at very different speeds. Baden and Bavaria introduced the direct vote in 1905 and thus opened the way for the Socialists to change from disruptive opposition to constructive co-operation. Even so, it took another eleven years before the universal and secret ballot was adopted in these two States. In striking contrast to their progressiveness Mecklenburg retained its "Constitution" of 1755 which preserved antiquated estates. Oldenbourg, Hesse and Saxony stuck to pluralism, and above all Prussia held fast to its three-classes ballot. While in 1913 the Socialists occupied 110 seats of 397 in the *Reichstag*, they obtained only 10 of 450 in the Prussian Diet, which represented two-thirds of the entire German population and at that the main centres of industry. It is not surprising that the abolition of the reactionary suffrage of Prussia became the major demand of the progressive forces all over Germany. In 1916, the Prussian King, William II, publicly—although against his inclination—promised reform. But the *junkers*, who controlled the Diet with ease, did not respect their King's promise and prevented any change until the so-called Revolution of 1918.

When the war broke out in 1914, the *Reichstag* parties agreed with the Government on a political truce which lasted until December, 1915, when twenty members refused the granting of further war credits. This opposition became the Independent Socialist Party in 1917. In the same year the majority parties tried to replace the Chancellor, Bethmann-Hollweg, by one of their own choice, selecting, strangely enough, Bethmann's predecessor, Bülow, who had fallen foul of William II. Had they succeeded, they might have opened the way for wider parliamentary control. But General Ludendorff, of the Supreme Army Command, proved stronger, and his nominee, Michaelis, was appointed.

The same majority parties showed, under the leadership of Stresemann and Erzberger, a deplorable lack of consistency. In July, 1917, they accepted a "Peace Resolution" demanding

international understanding without conquest by either side. But they forgot all their good intentions when the Russians sued for peace after the Revolution of 1917 and so gave Germany the chance of imposing exorbitant treaties on Russia and Roumania. Thus even in the eleventh hour the *Reichstag* overlooked the community of interest between parliamentarianism and international justice and became the willing torchbearer of autocracy—whose victories abroad had never failed to lead to oppression at home.

When in the late summer of 1918 German resistance weakened in the West and Germany's allies in South-eastern Europe asked for peace, the all-powerful dictator Ludendorff broke down and ordered the introduction of parliamentary democracy in the *Reich* and Prussia. The new Chancellor, Prince Max von Baden, initiated the necessary reforms, mainly the Parliamentary Act of 28th October, 1918. Six days later, the sailors' mutiny broke out in Kiel, the beginning of the so-called Revolution.

This succession of events shows that once again constitutional development was in the first place not achieved by the people conquering their rulers, as had been the case in Britain, France and U.S.A. It was the gift of rulers forced to grant it by defeat through foreign armies. Hence democratic government is associated in the minds of the majority of the German people not with a glorious revolution against tyranny from within, but with inglorious defeat and coercion from without. It is most unfortunate for the future of German parliamentarianism that the same thing should have happened again in 1945.

It is true that the Revolution of 9th November inaugurated a system of Workers' and Soldiers' Councils after the Russian pattern. But six weeks later a Congress of council delegates in Berlin decided in favour of a National Assembly elected in a democratic manner. Radical elements tried to prevent this drift into *bourgeois* parliamentarianism by violence. But they were defeated by reactionary troops which the Social Democrat rulers—rather than forming a militia of their own moderate workmen—called to help. In this way, while defeating the dictatorship of the proletariat from the Left, the Social

Democrats saved their deadly enemy on the Right, militarism, in its very hour of weakness. In Bavaria, the statesmanship of Kurt Eisner proved that democratic parliamentarianism and workers' councils could co-operate constructively. But his assassination was followed by a period of "red terror", which was suppressed by a wave of "white terror" before parliamentary democracy began its precarious existence.

As a result of all these cross-currents, the newly founded democratic republic had to reckon with dissatisfied forces from both Right and Left, and these made use, for their anti-parliamentary ends, of a system which they despised and hoped to wreck in their own good time. The National Assembly which created this system had been elected by universal, direct, secret suffrage of all men and women over twenty and was based on proportional representation. It was convened at Weimar, a city chosen for its humanist tradition as opposed to the militarist tradition of Potsdam. Actually it was much more the atmosphere of the Frankfurt Assembly of 1848 which was revived in matters like the national colours and the anthem, though not very many features of the Frankfurt Constitution passed into the one accepted in Weimar on 11th August, 1919. The new Constitution was proudly called the most liberal and egalitarian of all Constitutions, a claim which was so true that paradoxically it was proved by its failure.

There were two chambers, the *Reichstag* and the *Reichsrat*. The *Reichsrat*, representing the States, was endowed with a suspensive veto which could be overruled by a two-thirds majority of the *Reichstag*. Otherwise, the *Reichsrat*, deprived of all the rights of its predecessor, Bismarck's Federal Council, and having neither the weight and tradition of the British House of Lords nor the powers of the American Senate, found little response with the German people as a merely mechanical part of the legislature. It certainly did not fulfil a federal function in smoothing out frictions between the States (*länder*) or between the *Reich* and the States. A third chamber, planned as a deliberative Economic Council, never grew to full constitutional status.

Thus the *Reichstag*, normally elected for four years, was the main constitutional body. It was to represent the sovereign will of the people from which all political authority was derived. Though the *Reich* President could dissolve it (only once on the same issue), its successor was to be elected within 60 days and assembled within another 30. Ministers appointed by the President were dependent on its vote of confidence.

Why did this system of apparently full-grown parliamentarianism work so badly that ten or eleven years later the *Reichstag* had lost all influence and was made the stepping stone for dictatorship? In my opinion, there were three major reasons.

The first was the peculiar form of proportional representation which put mathematical justice higher than political commonsense. The *Reich* was divided into 35 large constituencies where not candidates but parties fought one another, and the elector chose, not a person, but a list of persons (almost a serial number). When a member died or retired, there was no by-election, but the next number on his party's list replaced him. Every party obtained one mandate for every 60,000 votes. Odd surplus votes were carried forward to the *Reich* list of the same party. This system took account even of very small minorities. It represented—too faithfully—the political vagaries of a drifting electorate. It encouraged the formation of more and more splinter groups, until they counted well over 30 and atomized the moderate centre, while promoting radicalism among the frustrated masses.

Clearly with this system no party could ever achieve a majority in the House and form a Cabinet without entering into a coalition. Hence the main business of parties and Ministers consisted not in government, but in bargaining and manoeuvring for position. But since it is for the purpose of government that politicians, parties, Parliaments and Ministers are elected, the vacuum of real authority at the top was filled automatically, first by civil servants and "unpolitical", "expert" Ministers, later by anti-parliamentary forces, which had carelessly been introduced into the Weimar Constitution.

With this we turn to the second major reason for the failure



of the Weimar Constitution. Its authors had an exaggerated conception of "government *by* the people", a conception which frowns at too much representation through Parliament and parties and tries to bring in the people themselves through plebiscitarian forms which, except in small communities like the Swiss Cantons, favour Caesarism rather than democracy. This tendency found expression in two ways: first in the election of the *Reich* President directly by the people and second in the direct popular initiative and the referendum. These two devices never worked in Weimar Germany. But the President, entirely independent of Parliament, could fill the vacuum at the top, in spite of all constitutional precautions. He was the Supreme Commander of the Republican army, which since the day when it had rescued the Social Democrats from Bolshevism, had remained the refuge of reactionary militarism. Through outward compliance with the Republic it maintained a considerable independence from public supervision. This is clearly seen from the fact that, in spite of innumerable changes of policies, Cabinets and Parliaments, Army Command succeeded in keeping the same man, Mr. Gessler, in the position of Army Minister without interruption from 1920 to 1928. When too much had transpired about secret funds of which neither the *Reichstag* nor its competent committees had ever heard, he was replaced by an even more "reliable" man.

The special danger for parliamentarianism was embodied in Article 48 of the Constitution according to which the President could use the Army for the restoration of law and order. In cases of emergency he could also suspend most of the constitutional liberties and govern by decree. The decrees, of course, had to be countersigned by the Chancellor or the responsible Minister, and the *Reichstag* had to be informed; the *Reichstag* also had the power to rescind the decrees. Such a situation arose in 1923 when, at the height of inflation and after the breakdown of passive resistance in the Ruhr, a Right-wing Bavarian government not only made moves toward more independence from Berlin but also seemed to be planning aggression against Saxony which was governed—quite con-

stitutionally—by a radical Left-wing government. In the “State of Emergency” proclaimed by the President and the Chancellor, the Army did restore order—with great willingness in Saxony against the Left, with hardly any interference in Right-wing Bavaria.

The crisis of 1923 illustrates not only the second but also the third major reason for the failure of parliamentaryism in the Weimar republic: the competition between *länder* and *Reich*. The Constitution stipulated that the *länder* should have liberal democratic constitutions and that, in case of doubt, *Reich* law should overrule State law. The details of constitution-making were left to the *länder* themselves. With their diverse political and social backgrounds, their Diets and Ministries varied a great deal and were frequently abused for ends which lay outside their boundaries. In January, 1933, elections took place for the Diet of the petty State Lippe. Hitler himself carried the campaign to every little village and increased the poll of his party from 40 to 45 per cent. Thus Lippe became the key which opened the doors of the *Reich* Chancellery for him.

In spite of the weakness inherent in the Weimar Constitution, Germany might have developed a genuine democratic tradition if the comparative normality of the years 1926 to 1929 had continued. But the world economic crisis of 1929 worked havoc in the precariously balanced German situation. In this new emergency all the elements weakening the *Reichstag* worked together in favour of the plebiscitarian Caesarism of the President.

Though Article 48 was intended to counter armed revolt, it was used by Chancellor Brüning, supported by President Hindenburg, to issue emergency decrees in the field of economy, finance and the social services. When the *Reichstag* demanded the withdrawal of the decrees, Brüning dissolved it. But the composition of the new *Reichstag* confronted the Social Democrats with the awkward choice of playing into the hands of the National Socialists or of tolerating Brüning with his unconstitutional emergency decrees. On 18th October, 1930, while avoiding the discussion of a vote of no confidence

for Brüning, it was agreed to refer the problem of emergency decrees to a committee, from which it never emerged. This was the abdication of the *Reichstag* and consequently of parliamentarianism. Henceforward Brüning, tolerated but not supported by Parliament, had to rely on Hindenburg's readiness to sign his decrees. This became most evident in 1932 when Brüning was dismissed in a manner not very different from the way Bismarck had been dismissed by the Emperor.

The *Reichstag* continued to play an important, though passive, part in the events leading to the replacement of the presidential dictatorship by that of the National Socialist *Führer*. Von Papen, who had much less support in the *Reichstag* than his predecessor, Brüning, increased the speed of dissolutions and new elections. This procedure lowered the prestige of the overworked democratic machinery to zero, and helped to increase rapidly the numbers of the mutually hostile radical parties, the Nazis and the Communists.

Von Papen also struck the most decisive blow against the dying parliamentarianism of Germany by the removal, with the aid of "a lieutenant and ten privates", of the constitutional Left-wing government of Prussia. A few months later Bavaria, whose constitutional Prime Minister had boasted that he would not suffer the fate of his Prussian colleague and would arrest a *Reich* Commissioner at the Bavarian "frontier", fell a victim to the onslaught of National Socialism like the rest.

On 30th January, 1933, Hitler, leader of the strongest party (which at that time received 35 per cent. of the votes) was made Chancellor by President Hindenburg. The *Reichstag* was dissolved once more. Before the new elections took place, the *Reichstag* building went up in flames, a crime of symbolical portent. It was made the pretext for outlawing the Communists and holding the elections under a wave of terror. Nevertheless even in the new *Reichstag* the Nazis held only 41 per cent. of the seats, and barely over 50 per cent. in coalition with the Nationalists. The other parties were bullied and terrorized until the *Reichstag* accepted (with the two-thirds majority required for constitutional changes, but against the valiant opposition of the Social Democrats) a far-reaching

Enabling Act, which used the letter of "the most liberal of all constitutions" to kill its spirit.

Although eventually all parties except the Nazis were outlawed one after the other, the framework of the Weimar Constitution was never completely abolished. A *Reichstag* of yes-men took pleasure in rubber-stamping Hitler's so-called laws. A gibe called it the most highly paid choral society in Germany: its members received their salaries for singing the first stanzas of the National and the Nazi anthems once or twice a year when they met for a one-day session to applaud a pronouncement of the *Führer*. When the second world war began, the "choral society" fell into oblivion. So did the annual Party Rallies of Nuremberg, which had as good a claim to be regarded as a form of popular representation as the degraded *Reichstag*.

Hitler and his system have gone. Once again the time seems to have come for the German people to take government into their own hands. The victors of 1919 had left this task more or less to the Germans themselves, though they exerted some pressure against Bolshevik tendencies. The victors of 1945 are taking a much more active interest in Germany's way of life, but unfortunately they stand for two mutually exclusive and hostile systems. Hence two Germanys have come into existence, each of which is claiming to be the nucleus of the united Germany of the future.

The German Democratic Republic of the East follows the pattern of the "People's Democracies". Its representative institutions cover scantily a totalitarian one-party dictatorship which has been imposed from outside and is being sustained by military and police pressure.

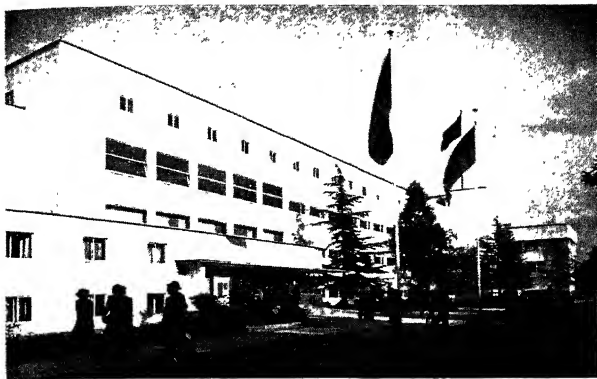
On the other side, the Basic Law of the West German Federation exposes, by the very fact that it is temporary, the impact of the division of Germany, even more so than did Bismarck's North German Constitution of 1867. Though formally agreed upon after more or less free deliberations of the German political parties, it cannot hide the marks of the economic and political pressure used by the Western Powers, who—regrettably enough—do not see eye to eye in their

policies for Germany. Thus the Bonn Constitution is a compromise between Allied contradictory anxieties on the one hand and a strange mixture of German memories, fears and aspirations on the other.

Certainly the partition of Prussia and the agglomeration of new *länder* is in many ways an advance, though some of the new creations such as Schlesvig-Holstein and South Wurttemberg-Baden are no more capable of statehood than some of the ancient petty States. Above all, the insistence of France and the United States on a federal structure has enhanced the feeling of many Germans that parliamentary democracy is equivalent to disunity and weakness. The popular reaction against outside pressure, against parties, diets and Constitutional wrangles, shows once again the increasing estrangement of Germans—especially of the younger generation—from Western political thought, however strongly they may, at the same time, oppose the Eastern system.

It would be quite possible to keep Germany divided if there were in existence, here and now, an integrated European Federation in which each German *land* could attain direct membership. But as we have still a long way to go, it is essential to reckon not so much with German membership of United Europe in a distant future, as with her function in, and her reaction to, the present European situation. Recent constitutional experiments are likely to endanger German democracy from within and thereby the success of the eventual democratic unification of a wider Europe. This unification will depend on the ability of the powers to make possible the *voluntary* and *lasting* acceptance by the bewildered and somewhat ill-balanced German people of parliamentary and representative forms of government which, until to-day, have never been given a fair chance of building an indigenous German democratic tradition.

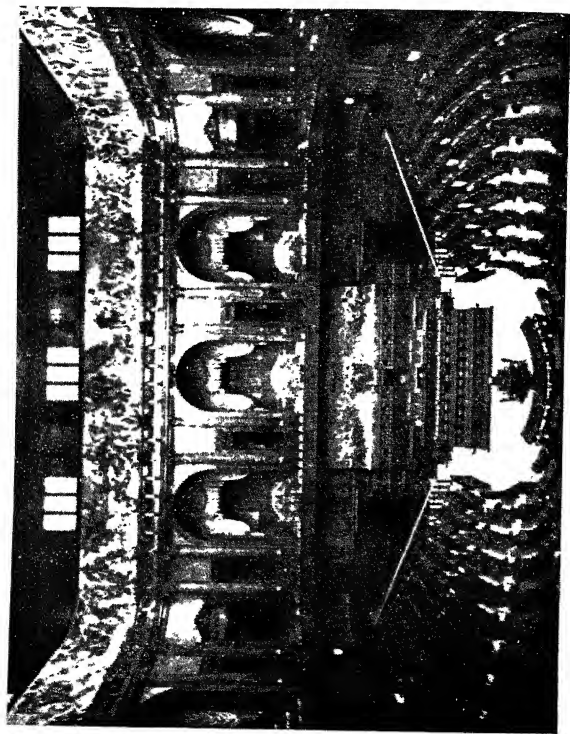
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The Building in Bonn in which the West  
German Federal Parliament meets.



The large chamber in the Parliament Building at Bonn.



The Chamber of the Palace of Montecitorio, Rome.

## LEGISLATIVE BUILDINGS OF THE WORLD—V

### THE PALACE OF MONTECITORIO, ROME<sup>1</sup>

THE district in which the Palace of Montecitorio, the home of the Italian Chamber of Deputies, now stands is rich in historical and archaeological memories. Until the fifth century of the Christian era Rome had preserved its ancient buildings almost intact, but with the spread of Christianity and the invasion of the barbarians the Eternal City began to change. The severe decrees of Theodosius prevented damage to ancient monuments, and these were consequently adapted to Christian purposes and became chapels or oratories. In the second half of the first millennium there arose in the neighbourhood of Montecitorio many religious buildings adapted to the old monuments or superimposed on them. Thus Rome, by the beginning of the tenth century, was even externally Christianized.

At this time the monuments underwent another change. The Roman barons, at the height of their power, established themselves in these old buildings which, because of their thick walls and solid construction, could easily be made to serve as fortresses and castles. Around them were built mean houses for artisans. Rome then assumed the sombre and melancholy character which lasted until the Renaissance.

This Rome of fortresses, factious and turbulent, this baronial Rome, bloodstained by revenge and reddened by recurring fire, awoke to new life when in 1377 Pope Gregory XI decided to transfer the papal seat from the banks of the Rhone to those of the Tiber. Under a succession of humane Popes there began a cleansing of government and society. Decaying buildings were restored, new ones erected, and the city took on a more pleasing aspect. In the place of narrow

<sup>1</sup> Based on a translation by J. D. Lambert, B.A., B.Litt. of an article by Signor Giovanni Bach.



streets and sombre fortresses there arose magnificent villas and palaces whose architecture was inspired by the classical tradition. In various parts of the city there began the feverish search for antiques which would revive the memories of a glorious past. On the hills and deserted fields of the suburbs, prelates and nobles built magnificent villas where scholars and men of letters who shared the passion for Imperial Rome could meet. The neighbourhood of Montecitorio, however, remained virtually deserted, only an occasional oratory or ruin recalling the time when the area was populated.

Although the sack of Rome in 1527 threw the city back into a state of temporary desolation and ruin, a new city arose phoenix-like from the ashes. This was due in great part to Pope Sixtus V who gave the city its modern aspect, monumental and imposing, and to the genius of Michelangelo.

In the seventeenth century the Montecitorio district, though near the centre of the city, was still covered with vineyards and uncultivated fields and remained one of the most secluded and quiet parts of Rome. It was here that Pope Innocent X wished to build a sumptuous palace for his sister-in-law, Donna Olimpia, and her niece Rossana. The foundations were laid in 1650. The plan envisaged a three-storied palace with five façades and a monumental entrance over which there was to be a balustrated balcony supported by two caryatids. Because of the Pope's death in 1655 and a shortage of money, work on the building was suspended. In 1694 work was resumed by Pope Innocent XII who wished to turn the building into an institution for the destitute, but under the influence of the architect to whom the work had been entrusted the Pope agreed that it should be made into offices for the use of the Papal Courts.

The work was attended by many difficulties. Individuals and institutions hostile to the architect or with interests in the district which they feared would be adversely affected by the proposed building tried to hinder the work. The owners demanded a high price for the building. Although the proposal of the architect prevailed, the Pope imposed a special tax on legal deeds and the Court's judgments in order

to recompense the Apostolic House of the Sick Poor who had expected to manage the home for destitutes. One of the medallions on the main entrance has a representation of *Charity* in memory of the original purpose of the palace, and another portrays *Justice* as a symbol of its actual use.

The original plan of the architect envisaged a large square with arcades opposite the building, but this would have necessitated important and expensive expropriations. The Pope, who had been struggling to restore the public treasury which had been squandered by his predecessors, would not agree to this extravagance. As a result the plan for the square was reduced to the modest proportions which have survived to our own day.

And so gradually, where there had been uneven land and scattered vineyards, rose the Palace of Montecitorio. In 1695 the tower was ready and the great bell pealed for the first time. In 1696, in the presence of the Pope, the fountain in the adjoining courtyard was dedicated.

In 1733 Pope Clement XII began the work of clearing away the ugly hovels and alleys surrounding the Palace. The Palace of Montecitorio was further improved while Pius XI occupied the papal throne. During the Napoleonic period the square by the Palace became a centre of great activity. A sort of open-air Stock Exchange was established, and a cafe was opened. Inside the Palace the judicial work continued until, on 20th September, 1870, the Palace of Montecitorio was occupied by a detachment of guards who had been entrusted with the task of controlling the strategic points of the city which had been conquered in the name of a United Italy.

One of the first tasks after the occupation of Rome was the search for a building in which Parliament could meet. On the suggestion of the President of the Chamber of Deputies, the Palace of Montecitorio was selected for the use of the Deputies, and work began on the preparation of a suitable chamber. On 1st November, 1871, a parliamentary commission, led by the President of the Chamber of Deputies, officially took possession of the new seat of Parliament. The

ceremony was indeed impressive. The sky, which had been overcast for several days, was clear and in the evening Venus, the star of Italy, shone with unwonted splendour. The crowd was so large as to cause scenes of panic.

At the first meeting of the Deputies it was obvious that the Chamber was unfitted for its new purpose. Because of the sombre light, the Pompeian red colour, and the severe architecture it was compared to a funeral crypt: because of its narrowness the newspapers hostile to the Government called it the *gabbione* (the great cage). Moreover, as it had no heating and was still unfinished, the cold air came in through the doors so that the President published the following order, which was approved unanimously: "The Deputies have permission to wear hats, overcoats or furs: they are also allowed a woollen scarf round the neck. . . ."

The following year the Chamber was redecorated in a light grey shade. It had been intended that the Chamber should be used as a temporary expedient while new accommodation was being prepared, but, in spite of the many drawbacks, the Chamber remained in use for many years. In 1876 Francesco Crispi, the new President of the Chamber, proposed the construction of a magnificent group of three buildings on the site where the Bank of Italy was later erected, but the enormous expense led to the abandonment of the project. Crispi spoke harshly of the members of the Budget Commission who had rejected his proposal. "Small men, incapable of feeling or understanding the great things which should be achieved in the name of Italy."

In 1898 the debating Chamber seemed almost on the point of collapse. Three different Commissions examined the Chamber, and the last declared that it was no longer capable of fulfilling its function. Quickly it was demolished, even before a new building could be constructed, and the deputies had to meet in an inadequate room on the first floor. A Parliamentary Commission presided over by Ferdinando Martini, the author, was appointed to organize a competition for designs for a new Chamber. Special attention was to be given to heating, lighting and ventilation, and it was decreed

that "the drains were to be completely cleaned and rebuilt in accordance with hygienic principles and the best systems".

There were many competitors, but the plan came to grief because of the jealousies and violent disputes in the press. It was not until 1902 that Ernesto Basile, a Sicilian architect, was entrusted with the task of preparing plans for a new palace. Even so, bureaucratic difficulties prevented a start being made until 1908.

It took nineteen years to build the new palace. It was provided with a wealth of marble, worthy of the secular tradition of Roman architecture. The last narrow alleys of the papal period disappeared and the old courtyard was rebuilt. The new debating Chamber was semi-circular in shape, having a diameter of about 115 feet and a depth of about eighty feet. The total area was about 8,400 square feet, nearly three times as great as that of the House of Commons Chamber at Westminster.

Just as there was much criticism of Barry's design for the Palace of Westminster which was built after the fire of 1834, so there were many who found fault with Basile's work. He was accused of having joined a modern palace to one which was essentially of the baroque style of the seventeenth century. It was said, moreover, that the architectural themes were more suited to a sumptuous patrician villa or a theatre than to a legislative building. Finally he was criticized for using ornamental bricks at the bases of the façade on the grounds that this spoilt the monumental appearance of the building and made it look like a factory. But there were many who defended the architect's work.

The solemn inauguration ceremony took place on 20th November, 1918. Those who spoke on that occasion were Giuseppe Marcora, President of the Chamber, and Vittorio Emanuele Orlando, President of the Council. After the second world war the Hall of the Chamber of Deputies was used by the Italian National Council. The Constituent Assembly began its work in the palace on 22nd June, 1946, since when it has been in constant use, first for the Constituent Assembly and later for the Chamber of Deputies.

PARLIAMENTARY CONTROL OF THE  
PUBLIC ACCOUNTS—Iby BASIL CHUBB<sup>1</sup>*(Lecturer in Political Science, Trinity College, University of Dublin.)*

TO view the House of Commons only as "the grand forum of debate", or as a legislative production line, is to miss important aspects of its work. The examination of the public accounts is a case in point. Vital though it is if government is to be really responsible, the floor of the House is no place to perform this task. Other procedures and techniques are necessary and exist. Since they work well and do not take up the time of the House, we hear little about them, the less so since the job is to many, in Gladstone's words, "work of a dry and repulsive kind".<sup>2</sup> It is intended to describe in two articles, the system, machinery and techniques by which the vast public accounts are examined and reviewed for Parliament and the nation.

From medieval times Parliament insisted, with varying success, on the principle that kings and governments must account for the funds granted to them. It is customary to point to this insistence with pride, yet such admiration of the principle has tended to obscure the more important facts that the practice of accounting and control was, at first, negligible and, at best, inefficient, fragmentary and spasmodic until the nineteenth century. It was not until the decade 1857-67 that a complete system and adequate machinery were evolved. This system and machinery have lasted, with no major alteration, until the present, though the day to day techniques of audit

<sup>1</sup> Acknowledgement: I wish to thank the Comptroller and Auditor General, Sir Frank Tribe, K.C.B., K.B.E., for his willingness to answer many questions of fact.

I alone am responsible for the inferences drawn and the opinions expressed.

<sup>2</sup> H.C. Debates, 18.4.1861, Col. 774.

and examination have been necessarily modified to meet changed conditions.

The system then evolved was the result of much thought and many piecemeal reforms in the first half of the nineteenth century. The observations and experiences of fifty years and more were summarized, in 1857, by the Select Committee on Public Monies,<sup>1</sup> which reached four conclusions. They were, first, that to control spending effectively, it was not sufficient for the House merely to appropriate funds (i.e., to allocate funds to specific purposes) and to control their issue through the Exchequer; second, that departments ought to present regular and detailed records of the final application of funds (i.e., Appropriation Accounts) so that the House might see if money was spent as ordered; third, that if such accounts were to be useful as a means of control, they must be examined efficiently, and this meant, in practice, examination on behalf of the House by an expert auditor, who must be its servant; finally, that, thus supplied with information sifted and made intelligible by an expert servant, a select committee, not the whole House, could then, and only then, exercise an effective scrutiny and check of the accounts. Such a committee would complete what Gladstone called the "circle of control", and was indeed necessary to it. Money may be carefully appropriated and legally issued and the administration's accounts may be audited by an authority set up by the House of Commons, but unless the House is prepared to take notice of the results of such audit these checks lose their sanction and are in danger of becoming meaningless forms.

The new system, based on these conclusions, was the work of Gladstone and his able Treasury chiefs between the years 1859 and 1866. In 1861, the Select Committee of Public Accounts was appointed for the first time and, in the next year, its permanence was assured by a Standing Order of the House, No. 73 (now No. 90). In 1866, the Exchequer and Audit Departments Act, the basis of the present day accounting and audit system, provided for full Appropriation Accounts to be prepared under Treasury direction by all departments and to

<sup>1</sup> Its third report is of most interest. H.C. 279 (1857, Sess. II).

be presented to the House. It also created the post of Comptroller and Auditor General, made him an officer independent of the executive, and gave him statutory duties and powers to audit and examine the accounts for the House of Commons and to report thereon. Thus provided, the Accounts Committee could carry out the direction of the Standing Order to examine the accounts.

It is, therefore, the work primarily of one officer of the House and a Select Committee of the House which has to be examined here. Each depends upon the other. The final examination by a committee of the House is the sanction on which the Comptroller and Auditor General's authority depends and outside his statutory duties he tends, as a servant of the House, to be guided by its committee. Equally, the work of the Accounts Committee is unintelligible unless the complicated process which precedes their examination is understood. It alone makes a reality of what would otherwise be a farcical impossibility. The Committee's work depends, in effect, entirely upon the audit and examination carried out by the Comptroller and Auditor General and his Exchequer and Audit Department. Its primary source of information, the public accounts, have been thoroughly examined and sifted before the few points which rate attention are put before the Committee in simple and intelligible fashion by the Comptroller and Auditor General. The key position in the system which is occupied by this officer and his department, therefore, warrants some attention.

The Comptroller and Auditor General, the "acting hand"<sup>1</sup>, the "guide, philosopher and friend"<sup>2</sup> of the Accounts Committee, is appointed by Letters Patent on the Prime Minister's nomination. His full title is "Comptroller General of the Receipt and Issue of His Majesty's Exchequer and Auditor General of Public Accounts". In his capacity as Comptroller he authorizes all issues from the Exchequer on the demand of

<sup>1</sup> Mr. T. Gibson Bowles to the Select Committee on National Expenditure. H.C. 387 (1902), Evidence, Q. 1017.

<sup>2</sup> The Rt. Hon Osbert Peake to the Select Committee on Procedure. H.C. 189-1 (1945/46), Evidence, Q. 3927.

the Treasury and after he has satisfied himself that Parliament has given authority for them. His duties in this respect are of little interest here.

His status and position are unique in many respects. He is an officer of Parliament, his salary is charged, like those of the judges, to the Consolidated Fund, and he is removable only on an address to the Crown by both Houses. Since, however, it is the House of Commons which is the governing authority in financial matters, he considers himself primarily responsible to that House and to be its servant.

He has, so far, always been a senior civil servant and has normally had experience of government financial procedure. Many Treasury officers have held this post, though the present holder, Sir Frank Tribe, was formerly Secretary of the Ministry of Food. But although he was a civil servant and works with the Civil Service, yet he is not one of them. His constitutional status and duties isolate him and he is, in the words of Sir Frank Tribe himself, "very much a lone wolf".<sup>1</sup> Unlike any civil servant, he has no ministerial chief. He has statutory duties and large discretionary powers and, while his job is to aid the House, the responsibility for his actions is his alone.

Also, although he conducts an audit of the nation's accounts and controls a staff of auditors, he is not himself by profession an auditor. He is an administrative civil servant. His position is thus somewhat analogous to that of the amateur head of a department of professionals, which is a feature of British administration. Yet, he is not entirely amateur. He brings with him the training and knowledge of a senior civil servant, the views of the departments, and a self-imposed duty to watch the trends of parliamentary opinion.

The Comptroller and Auditor General heads the Exchequer and Audit Department, whose headquarters are in Audit House on the Victoria Embankment. The department is surprisingly small, consisting of some 380 auditors of one rank or another. The great majority of them are housed and work in the accounts branches of the departments whose accounts they audit. Local audits at depots and outstations

<sup>1</sup> In conversation with the writer.



are made as and when necessary, and, in addition, there are sections based in Egypt and New York.

Unlike their chief, the auditors are ordinary civil servants who are trained in this special work. They all enter the Service in the normal fashion in the executive class at eighteen and are trained internally and "on the job" for three years, which period corresponds to Articles. They are considered to be as highly trained as professional accountants, though specially trained to conduct an audit which has no parallel elsewhere.

The duties of the Comptroller and Auditor General are laid on him by statute and by the Treasury and he has, besides, wide discretionary powers which he exercises with the knowledge, consent and encouragement of the Accounts Committee.

First and primarily, he examines the accounts to satisfy himself that parliamentary grants have been applied to the purposes for which they were intended and in the amounts intended, that they have been spent according to law, Treasury regulations and past Accounts Committee recommendations, and that adequate rules to govern expenditure procedures are made and enforced by the departments. Second, he has developed extra-statutory or discretionary duties to report waste and inefficiency and he has been consistently encouraged to do so by Accounts Committees, which have welcomed the opportunity to extend their own functions. But such a check is by no means complete and, though its high value is not denied, it is a secondary duty. Waste and inefficiency often do not appear on the face of the accounts. It is true that they may be and are found by an experienced auditor, but the techniques used are not designed specifically to reveal all that one would demand from a proper "efficiency audit". Successive Auditors General have carefully stressed this point and have made it clear that, despite their undoubted success in revealing waste and inefficiency, they exist primarily to conduct an audit and not to investigate the efficiency of administrative action. It is, however, necessary to notice that, in the course of its work, the Audit Department carries out a valuable examination of government contracts and trading operations, and Sir Gilbert

Upcott, a former Auditor General, told the Select Committee on Procedure in 1946 that this was now "one of the leading functions" of his officers.<sup>1</sup>

The documents on which the auditors work are the various accounts which the departments are required to keep. They constitute records, in terms of pounds, shillings and pence, of all administrative action everywhere. Accounts audited or scrutinized include the basic Appropriation Accounts, stocks and stores accounts, trading, ship-building, manufacturing and commercial accounts, the accounts of many state-aided bodies, and many others. The figures are supplemented by explanatory reports, notes and appendices, and the Auditor General has a statutory right of access to "documents relating to the accounts",<sup>2</sup> a right to which practice and Treasury Minutes have laid down as the limits only the Auditor General's discretion. Under the hand of the skilled auditor, these accounts and sources of information appear to reveal enough for Parliament's purposes.

To list the accounts which come under audit or scrutiny would give no adequate picture of the range of the Audit Department's examination, nor does it help much to say that it audits three thousand million pounds' worth of expenditure annually and has general powers of scrutiny over much more. The figure gives little clue to the vast and complicated web of financial transactions which must be examined, or to the various types of expenditure needing different degrees of checking. They range from accounts of debt operations, needing little scrutiny, to those of new and complicated trading transactions, or concealed subsidies, which require careful examination to discover even their extent.

It is further necessary to notice that, though it is said that the Audit Department "audits" the accounts, the procedure differs considerably from normal commercial procedure. It is both a "test" and a "running" audit.

Most departments have accounts branches and most of the routine checking of vouchers and accounts is done in-

<sup>1</sup> H.C. 189-1 (1945/46), Evidence, Q. 4310.

<sup>2</sup> Exchequer and Audit Departments Act, 1866, s.28.

ternally and, by statute, may be accepted by the Auditor General. Both for this reason, and because of the growing magnitude of the task, increasing reliance has been placed on a system of percentage or other test audits, combined with a close investigation of methods and systems of checking and safeguards used in the departments themselves. These features, though present almost from the beginning, have been much developed during the last ten years and the present "radically revised system"<sup>1</sup> of test audit is claimed to be efficient and economical and has satisfied both the Treasury and the Accounts Committee.

In practice, too, the examination is not a post-mortem check. Over the years, a smooth system of "running" audit has been gradually evolved. The auditors, working in the departments, follow up expenditure closely. They receive information on all payments and contracts made and they check registers of bills paid. These consist mostly of normal transactions the like of which they have seen many hundreds of times before. If they see anything unusual or irregular they "draw papers". Their enquiries are almost always, in the first instance, informal. If a telephone call or a visit does not satisfy, the point is followed up by semi-official correspondence and only serious matters rate a "reference sheet", that is a formal, official enquiry. In all cases, the amount and type of information requested is a matter for the discretion of the Auditor General. This running audit enables the Audit Department to keep abreast of expenditure and to pursue investigations before transactions are history.

On the result of the audit, the Auditor General annually certifies the accounts as correct, subject to whatever reservations he cares to make, and writes his reports. Accounts and reports are then presented to the House of Commons by the Treasury, are referred by the House to the Accounts Committee, and are published.

In their present form, the Auditor General's reports explain the outcome of the year's transactions, giving total

<sup>1</sup> Fourth Report of the Public Accounts Committee for 1945/46, H.C. 172 (1945/46), para. 2.

figures, reveal the extent and results of the audit, set out the circumstances leading up to any departmental request for an "excess vote", and contain his personal comments. These comments are intended to be mainly informative and to put before the Accounts Committee the relevant facts of doubtful and disputed cases of importance. Matters on which comment may be expected today include important occurrences which are topical, interesting or obscure, matters of accounting or financial principle which are in dispute, transactions where heavy loss has occurred or might occur, and new spending and departures from settled habits and procedure.

Little not mentioned in the reports is ever discussed by the Accounts Committee and thus, in practice, the Committee has its agenda and lines of enquiry chosen for it in expert fashion and after a thorough sifting process. The points it considers are only those which remain outstanding and unsettled after a year's audit and investigation. In this respect it has a unique advantage over other financial committees which have often been hard put to it to know where to start. The Select Committee on Procedure of 1932 was "quite clear that the effective work done by the Public Accounts Committee is largely due to the fact that they have at their disposal the reports and investigations of the Staff of the Comptroller and Auditor General".<sup>1</sup>

It remains to examine the Public Accounts Committee and to see how it is organized and equipped to consider the subjects brought up to it by this detailed and expert process.

*(To be concluded)*

#### DICEY ON THE PUBLIC ACCOUNTS

"The general result of this system of control and audit is that in England we possess accounts of the national expenditure of an accuracy which cannot be rivalled by the public accounts of other countries, and that every penny of the national income is expended under the authority and in accordance with the provisions of some Act of Parliament." A. V. Dicey in *Introduction to the Study of the Law of the Constitution*. (London, 1885.)

<sup>1</sup> H.C. 129 (1931/32), para. 10.

## CONSTITUTIONS OF THE BRITISH COLONIES—III THE FAR EAST AND PACIFIC AREA

Information prepared by SYDNEY D. BAILEY, with a prefatory note by the Rt. Hon. LORD KILLEARN

*In his Foreword to the first article in this series the Secretary of State for the Colonies noted that British colonial policy does not fall into a neat pattern. Nowhere is this more true than in the Far East and Pacific area, the subject of the following paper. It is not only that territories for which His Majesty's Government is responsible in this vast region differ markedly in their racial, social and economic conditions—factors which make for diversity in the nature and stages of political evolution—but many of these territories are influenced, to a greater degree than in most other parts of the Colonial Empire, by developments in adjacent foreign countries.*

*My own connection with the Far East began 48 years ago, when I paid my first visit to Japan. At various times I have served in Japan, in Siberia, in China, and in Singapore; and my duties have brought me into close touch with the problems of British Colonies in that part of the world. It has to me been a fascinating study to observe the application of the great British traditions of law and order, of good government, and of political evolution, to Asiatic peoples who maintained such close contacts with their kinsmen in their homelands and who clung so tenaciously to their own traditions. In dealing with these problems there was ample scope for our colonial authorities to demonstrate, as they did with great success, the British genius for compromise and for the empirical approach. My experience has convinced me of the importance of principles over forms: what we have to offer the peoples of these Colonies is respect for the Rule of Law, respect for the spirit of toleration, and faith in education and in democratic institutions as means towards social well-being and political health.*

*The significance of our task in these Colonies transcends its local results. To anyone who believes, as I do, that on relations between*

*East and West depends the future of our civilization, our colonial responsibilities offer a proving ground for the compatibility of Western political philosophy with Asiatic and Pacific culture and traditions. Here, to my mind, lies the importance of studying the Constitutions of the British Colonies in these regions.*

KILLEARN.

\* \* \* \* \*

**B** RITISH Colonial territories, trust territories, and protectorates in the Far East and Pacific area fall into the following regional groups:

- (i) Territories in **South-East Asia**, i.e., the Federation of Malaya, Singapore (including Christmas Island and the Cocos-Keeling Islands), North Borneo (including Labuan), Sarawak, and Brunei.
- (ii) **Hong Kong**.
- (iii) **Fiji** and the territories within the sphere of authority of the High Commissioner for the **Western Pacific Islands**, i.e., the Gilbert and Ellice Islands (including the Phoenix and Line Islands), the British Solomon Islands Protectorate, the Kingdom of Tonga, the New Hebrides, and Pitcairn Island.

Other territories in the Pacific for which the British Commonwealth countries are responsible are Nauru (a joint Trust Territory of the United Kingdom, Australia, and New Zealand), New Guinea (Australian Trust Territory), Norfolk Island (Australian Colony), Papua (Australian Protectorate), and Western Samoa (New Zealand Trust Territory). For the sake of convenience the constitutional position in these territories is included with the territories listed above which are the responsibility of the United Kingdom.

In these territories there are a total of between nine and ten million people. The South-East Asian territories account for about seven million, of whom nearly three million are Malays, a similar number are Chinese, some six hundred thousand are Indian, and about fifty thousand are European or part-European. Singapore is virtually a Chinese city, and in Malaya there are nearly as many Chinese as Malays.

Hong Kong is overwhelmingly Chinese in population. In the British Pacific Islands live about half a million people, of whom two-thirds are Pacific Islanders. There are about one hundred and thirty thousand Indians resident in Fiji, and throughout the islands there are about thirteen thousand Europeans or part-Europeans, and four thousand Chinese.

Much of this territory, including Malaya, Singapore, North Borneo, Sarawak, Brunei, Hong Kong and certain of the Gilbert and Ellice and the Solomon Islands fell into Japanese hands in the early stages of the war. The Japanese claimed to be liberators and promised to eliminate all Western influences and to establish a Co-Prosperity Area in Asia.

The reaction of the peoples of the occupied territories varied. Some, at considerable personal risk, resisted Japanese attempts to wipe out free political institutions. Some took the Japanese promises at their face value. Some decided to exploit the situation and to collaborate with the Japanese so long as the Western allies were in retreat. Many remained aloof from the political contest: for them life was a continuous struggle against poverty, disease, and other social ills.

The Japanese left behind them a legacy of political mistrust and lawlessness. For years it had been a patriotic duty to sabotage communications and production: suddenly it became an offence. For years one of the surest ways of currying favour with the Japanese conquerors had been to denounce the Western democracies: now to do so was at variance with the obvious efforts of the Colonial Governments to restore political liberty and a reasonable degree of economic justice. For years the youth had been encouraged to join the resistance movements which had been supplied with allied arms: now the guerrillas were expected to hand in their arms and resume a peaceful existence.

The difficulties in the way of political advance were increased by the complexity of the pre-war constitutional structure. Malaya had consisted of four loosely federated States and five unfederated States in treaty relations with Britain, and a Crown Colony consisting of widely separated Settlements; Borneo was composed of Labuan, constitutionally

a British Settlement, and three Protected States—Sarawak, which was administered by a British Rajah, Brunei, which was constitutionally a Malay State, and North Borneo, which was administered by the British North Borneo Chartered Company.

In Malaya, after an abortive attempt to create a Union of the nine States and two Settlements, a Federal Government has been constituted, and Singapore is administered separately as a Crown Colony. Sarawak has been ceded to the British Crown: the British North Borneo Chartered Company has transferred to the Crown its Rights and Assets and the territory has become a Colony, in which Labuan has been merged: Brunei remains a British Protected State but is no longer regarded as part of Malaya.

In May, 1946, a Governor-General was appointed to promote the co-ordination of policy and administration in an area including the Malayan Union (now the Federation of Malaya), Singapore, North Borneo and Sarawak, with the Protected State of Brunei. In May, 1948, the title was changed to Commissioner-General and the functions previously discharged by the Special Commissioner in South-East Asia were added.

Hong Kong also endured the Japanese occupation, but in its neighbourhood the end of the war with Japan has not meant the dawn of peace. Beyond its frontier the Chinese Communists have steadily taken over territory previously occupied by the *Kuomintang*, and Hong Kong has been crowded with refugees.

By contrast the Western Pacific territories have enjoyed a period of comparatively peaceful reconstruction and development. In the Solomon Islands a primitive nationalist movement has been active, but only in one island has the movement taken firm root. Coordination of policy and administration of the Western Pacific Islands is undertaken by a High Commissioner who is concurrently Governor of Fiji.

It is necessary to repeat the words of caution which prefaced the two earlier papers in this series. First, the need to present the information in summarized form inevitably makes it incomplete. Secondly, constitutional changes in the



Colonies are constantly taking place. I have outlined the constitutional position as it was in January, 1950.

### **Constitutions of the British Colonies in the Far East and Pacific**

**BRITISH SOLOMON ISLANDS.** *Protectorate.* Southern Solomons proclaimed as British protectorate in 1893. Northern Solomons captured from Germany by Australian forces in 1914.

|                                      |        |
|--------------------------------------|--------|
| <i>Population:</i> Pacific Islanders | 94,738 |
| European                             | 118    |
| Chinese                              | 109    |

(1947 estimate)

*Resident Commissioner:* Acts under the authority and control of the High Commissioner for the Western Pacific.

*Legislature:* There is no legislature, laws being enacted by the High Commissioner in the form of King's Regulations.

*Advisory Council:* Consists of the Resident Commissioner and not more than seven members, three of whom may be officials.

**BRUNEI.** *Protected State.*

*Population:* 40,670 (1947 census) mainly Malay, Bornean, and Chinese.

*British Resident:* Chief administrator of the State. His advice must be asked and acted upon in all questions other than those affecting the Mohammedan religion.

*State Council:* Consists of the Sultan, who presides, the British Resident, and ten other members.

**CHRISTMAS ISLAND.** *Dependency of Singapore.* Annexed in 1888. Incorporated with Singapore in 1900.

|                            |     |
|----------------------------|-----|
| <i>Population:</i> Chinese | 924 |
| Malay                      | 213 |
| Others                     | 79  |

1,216 (June, 1949)

Administered by the Governor of Singapore.

**COCOS-KEELING ISLANDS.** *Dependency of Singapore.*  
 British settlement began in 1823. Declared a British possession in 1857. Placed under control of Ceylon Government in 1878, of the Governor of the Straits Settlements in 1886; incorporated with Singapore in 1903.

*Population:* Malay 1,736  
 Others 27

1,763 (June, 1949)

Administered by the Governor of Singapore.

**FIJI.** *Colony.* Annexed in 1874 at request of the Chiefs.

*Population:* Fijian 123,995  
 Other Pacific Islanders 7,497  
 Indian 129,761  
 European and part-  
     European 12,689  
 Chinese 2,804  
 Others 626

277,372 (1948 estimate)

*Governor:* Possesses reserve powers. Is also High Commissioner for the Western Pacific.

*Executive Council:* The Governor presides and the Council consists of the Colonial Secretary, the Attorney General, the Financial Secretary, two other officials, and four unofficial members nominated by the Governor after recommendation from unofficial members of Legislative Council.

*Legislative Council:* The Governor presides and the Council consists of three *ex officio* members (the Colonial Secretary, the Attorney General, and the Financial Secretary), not more than thirteen officials nominated by the Governor, five Europeans (three elected and two nominated by the Governor), five Fijians nominated by the Governor from names submitted by the Council of Chiefs, and five Indians (three elected and two nominated by the Governor).

*Council of Chiefs*: Makes recommendations on Fijian affairs, and may be consulted on bills affecting Fijians before submission to the Legislative Council.

*Fijian Affairs Board*: Consists of the Secretary for Fijian Affairs (Chairman), the five Fijian members of the Legislative Council, and a legal adviser. The Board may submit recommendations to the Governor for the benefit of the Fijian people, and has the power to make regulations, subject to the approval of the Legislative Council.

*Franchise* (for the European and Indian members of the Legislative Council): Male British residents who are literate in English or an Indian language and have a small property or income qualification.

GILBERT & ELLICE ISLANDS. *Colony*. Protectorate established in 1892. Colony proclaimed in 1915.

|                                       |               |
|---------------------------------------|---------------|
| <i>Population</i> : Pacific Islanders | 34,989        |
| European and part-                    |               |
| European                              | 663           |
| Asian                                 | 142           |
| Others                                | 206           |
|                                       | <hr/>         |
|                                       | 36,000 (1947) |

*Resident Commissioner*: Acts under the authority and control of the High Commissioner for the Western Pacific.

*Legislature*: There is no legislature, laws being in the form of local ordinances enacted by the High Commissioner.

HONG KONG. *Colony*. Hong Kong Island occupied in 1841 and ceded by China in 1842; small area on mainland ceded 1860; "New Territories" on mainland leased for ninety-nine years in 1898.

*Population*: 1,860,000 (June, 1949), 99% being Chinese.

*Governor*: Possesses reserve powers.

*Executive Council*: The Governor presides and the Council consists of seven official members and four unofficial members (two of whom are Chinese).

*Legislative Council*: Consists of nine official and eight

nominated unofficial members, at least three of whom are Chinese.<sup>1</sup>

**FEDERATION OF MALAYA.** *Federation of Nine Protected States and two British Settlements.* Comprises the nine Malay States of Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor, and Trengganu, with the British Settlements of Penang (and Province Wellesley) and Malacca. Penang ceded to East India Company in 1786; Malacca ceded by Dutch in 1824. Agreements were made with Perak in 1874 and with Selangor, Negri Sembilan, and Pahang in the following decade. In 1909 Thailand's rights in the Northern States were transferred to Great Britain. Agreements were made with Kedah, Kelantan, and Perlis in 1909, and with Trengganu in 1919. Relations with Johore were regulated by treaty in 1914.

|                          |           |
|--------------------------|-----------|
| <i>Population:</i> Malay | 2,511,520 |
| Chinese                  | 1,952,682 |
| Indian                   | 550,684   |
| European                 | 10,924    |
| Eurasian                 | 10,580    |
| Others                   | 45,458    |

5,081,848 (June, 1949, estimate)

*High Commissioner:* Possesses reserve powers.

*Federal Executive Council:* The High Commissioner presides and the Council consists of three *ex officio* members (the Chief Secretary, the Attorney General, and the Financial Secretary), four other officials, and seven unofficial members appointed by the High Commissioner.

*Federal Legislative Council:* The High Commissioner

<sup>1</sup> In 1947 proposals for the institution of a Municipal Council partly chosen by popular election, and for the reduction of official membership of the Legislative Council to seven, giving an unofficial majority of one, were approved. Recently, however, new proposals have been put forward with the unanimous support of the unofficial members of the Legislative Council. They involve deferment of the Municipal Council proposals and the reconstitution of the Legislative Council on broader lines and with some popularly elected members.

presides and the Council consists of the *ex officio* members of the Executive Council, eleven other officials, the nine Chief Ministers of the Malay States, two representatives of the Settlement Councils, and fifty unofficial members appointed by the High Commissioner.

*States and Settlements:* The State Rulers have undertaken to govern under written constitutions. They are assisted by State Executive Councillors, and there is a nominated Council of State with legislative functions in each State. A Conference of Rulers is consulted on matters of special concern to the Malay States. Each Settlement has a Settlement Council with legislative functions, and a Nominated Council to act as an Executive Council in matters affecting the Settlement.

NAURU. *Trust Territory* of the United Kingdom, Australia, and New Zealand, on whose behalf the Government of Australia exercises full powers of legislation, administration, and jurisdiction.

*Population:* Pacific Islanders 1,379  
Others 1,476

2,855 (June, 1947)

*Administrator:* Appointed by the Australian Government and has power to make ordinances.

NEW GUINEA. See under Papua and New Guinea.

NEW HEBRIDES. *Anglo-French Condominium*, established 1906.

*Population:* New Hebridean Natives c.45,000  
British Nationals and  
Ressortissants 284  
French Nationals,  
Ressortissants and  
Protected Persons .

c. 47,238 (1948  
— estimate)

*Resident Commissioners:* There are British and French Resident Commissioners, subordinate to their respective High Commissioners, and under their joint controls is a Condominium Staff. The Resident Commissioners may issue Joint Regulations "for the maintenance of order and the good government of the Group".

NORFOLK ISLAND. *Territory of Australia.* First settled in 1788.

*Population:* 938 (June, 1947).

*Administrator:* Possesses reserve powers.

*Advisory Council:* Consists of eight elected members.

*Franchise:* Adult suffrage.

NORTH BORNEO (including Labuan). *Colony.* In 1872 the Sultan of Brunei ceded territory in North Borneo to a group of British traders. The British North Borneo Chartered Company was formed in 1881 and administered the territory until 1942 when North Borneo was occupied by Japanese troops. Labuan was ceded to Britain in 1846, incorporated in the Straits Settlements in 1907, became a separate Settlement in 1912, and became part of North Borneo in 1946.

|                            |         |
|----------------------------|---------|
| <i>Population:</i> Bornean | 206,444 |
| Chinese                    | 51,118  |
| Malay                      | 6,295   |
| European                   | 374     |
| Others                     | 14,955  |

279,186 (1931)<sup>1</sup>

*Governor and Commander-in-Chief:* Possesses reserve powers.

*Advisory Council:* The Governor presides and the Council consists of the Chief Secretary, the Attorney General, the Financial Secretary, all *ex officio*, and such other members, official and unofficial, as the Governor may appoint. At the end of 1948, there were twenty-three appointed members, including on the official side, the three Residents, the Commissioner for Immigration and Labour, the Director of

<sup>1</sup> The total population was estimated to be 335,379 in 1946.

Agriculture, the Director of Public Works, the Director of Medical Services, and the Conservator of Forests, and on the unofficial side seven natives of the country, four Europeans, and four Chinese. In addition, to advise him on important questions of policy and of principle, the Governor has appointed an *Executive Committee* consisting of the three *ex-officio* members of the Advisory Council, with the addition of the Resident, West Coast, the Commissioner of Immigration and Labour, and three leading unofficial members of the Advisory Council.

PAPUA & NEW GUINEA. *Australian Protectorate and Trust Territory.* Papua and New Guinea are governed in an administrative union, whilst maintaining the identity and status of the Territory of Papua as a possession of the Crown and the identity and status of the Territory of New Guinea as a Trust Territory.

*Population: Pacific Islanders—*

|            |         |
|------------|---------|
| Papua      | 300,000 |
| New Guinea | 750,000 |

1,050,000 (estimate)

|              |       |
|--------------|-------|
| Others—Papua | 3,239 |
| New Guinea   | 6,200 |

---

9,439 (30 June, 1947)

*Administrator:* Possesses reserve powers.

*Executive Council:* The Administrator presides and the Council consists of not less than nine officers of the Territory, appointed by the Governor-General of Australia, and holding their places in the Council during his pleasure.

*Legislative Council:* Consists of the Administrator, sixteen officials, three elected unofficial members, three unofficial members representing the interests of Christian missions, three unofficial native members, and three other unofficial members.

**PITCAIRN ISLAND.** *Colony.* Discovered in 1767, and occupied by mutineers of H.M.S. *Bounty* in 1790.

*Population:* European descent, 124 (1948).

*Chief Magistrate:* Appointed annually by universal suffrage.

*Council:* The island is administered under the High Commissioner for the Western Pacific by a Council consisting of the Chief Magistrate, two assessors, a secretary, and the Chairman of the internal committee.

*Franchise:* Universal suffrage.

**SARAWAK.** *Colony.* Sir James Brooke acquired this territory from the Sultan of Brunei in several stages from 1840 onwards, British Protectorate established in 1888. Ceded to Britain in 1946.

|                                         |         |
|-----------------------------------------|---------|
| <i>Population:</i> Malay and Melanesian | 133,029 |
| Chinese                                 | 145,158 |
| Sea Dyak                                | 190,326 |
| Land Dyak                               | 42,195  |
| European                                | 691     |
| Others                                  | 3       |

546,385 (1947 census)

*Governor:* Possesses reserve powers.

*Supreme Council:*<sup>1</sup> Consists of not less than five members, including the Chief Secretary and the Financial Secretary, both *ex-officio*. Other members are appointed by the Governor.

*Council Negri:*<sup>1</sup> Consists of the Chief Secretary who presides, thirteen other official members (including *ex officio* the Financial Secretary, the five divisional Residents, the Secretary for Chinese Affairs, and the Secretary for Native Affairs), and eleven unofficial members appointed by the Governor in Council.

**SINGAPORE.** *Colony.* Purchased for the East India Company in 1819, and ceded to Britain in perpetuity in 1824.

<sup>1</sup> Certain members of the Supreme Council and the Council Negri have places for life by virtue of the fact that they were already members when the Constitution was made in 1941.



|                            |         |
|----------------------------|---------|
| <i>Population:</i> Chinese | 761,962 |
| Malay                      | 119,623 |
| Indian                     | 70,749  |
| European                   | 10,923  |
| Others                     | 17,561  |

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980,818 (June, 1949, estimate)

*Governor:* Possesses reserve powers.

*Executive Council:* The Governor presides and the Council consists of four *ex officio* members (the Colonial Secretary, the Attorney General, the Financial Secretary, and the President of the Municipal Commissioners), two other officials, and four unofficial members appointed by the Governor.

*Legislative Council:* The Governor presides and the Council consists of the *ex officio* members of the Executive Council, five official and four unofficial members nominated by the Governor, and nine elected members (three being elected by the Chambers of Commerce, and six by territorial constituencies).

*Franchise:* British subjects and persons born in the Federation of Malay, Brunei, Sarawak and North Borneo.

TONGA (or Friendly Islands). *Protectorate* established in 1900.

|                                        |        |
|----------------------------------------|--------|
| <i>Population:</i> Tongan (Polynesian) | 44,395 |
| Other Pacific Islanders                | 309    |
| European                               | 220    |
| Others                                 | 634    |

45,558 (1948 estimate)

*Privy Council:* The Sovereign presides and the Council consists of the Premier, the Ministers of the Crown (at present three Tongans and one European), and two district Governors.

*Cabinet:* Consists of the Premier, who presides, the Ministers, and the two district Governors.

*Legislative Assembly:* Consists of a Speaker appointed by the

Sovereign, the members of the Cabinet, seven representatives of the nobles elected by their peers and seven representatives elected by the people.

*Franchise:* All literate male tax-payers over the age of twenty-one.

**WESTERN SAMOA.** *New Zealand Trust Territory.* Mandated to New Zealand in 1919, and since 1946 administered by New Zealand as a Trust Territory.

|                              |        |
|------------------------------|--------|
| <i>Population:</i> Europeans | 297    |
| Samoans and part             |        |
| Samoans                      | 74,832 |
| Chinese                      | 180    |
| Melanesians                  | 72     |

75,381 (March, 1949)

*High Commissioner:* Administrator of executive government and president of Council of State and of the Legislative Assembly.

*Council of State:* An advisory body consisting of the High Commissioner and Fautua which meets to discuss matters of policy and all questions involving Samoan custom.

*Legislative Assembly:* Consists of a Samoan and elected majority and is enacting authority for legislation within the territory.

*Franchise:* Adult Europeans; Samoan members of Legislative Assembly are elected by Fono of Faipule, a body itself elected by male Samoans.

(*The first paper in this series, dealing with Colonies in the Western Hemisphere, appeared in Vol. II, No. 2. The second paper, dealing with the African Colonies, appeared in Vol. II, No. 4. The final paper will deal with British Colonies in the Mediterranean, Indian, and Atlantic Oceans.*)

## THE AMERICAN GOVERNMENT—V

*In this fifth extract from Our American Government: What Is It? How Does it Function? compiled by Representative Wright Patman and published by the United States Government Printing Office, the questions and answers are concerned with Procedure in Congress. Earlier issues of Parliamentary Affairs have included extracts relating to the Constitution, elections, and the States (Autumn, 1948), the Capitol, Government Printing, the Congressional Record, the Library of Congress, Patriotic Symbols, and the National Anthem (Winter, 1948), the Executive Branch (Summer, 1949), and Congress and its Committees (Autumn, 1949). There will be one further article to conclude the series.*

**Question:** How are the rules of procedure determined?

**Answer:** The Constitution provides that each House may determine the rules of its proceedings. The parliamentary practice of the House of Representatives emanates from four sources: First, the Constitution of the United States; second, from Jefferson's Manual; third, from the rules adopted by the House itself from the beginning of its existence; and fourth, from the decisions of the Speakers of the House and from decisions of the Chairmen of the Committee of the Whole.

**Question:** What is a "gentleman's agreement" in Congress?

**Answer:** At many points procedure in the two Houses is governed not by printed rules but by oral agreements between individual Members or the membership as a whole. Thus, when a Member who wishes to object to a particular bill knows he cannot be present when the measure comes up, he may get another Member to object on his behalf. Or the party leaders may agree not to take up controversial measures or business of any consequence before a certain date. Announcement of such agreement is made on the floor, and this agreement is normally binding on all Members.

**Question:** What is the "previous question"?

**Answer:** A motion for the previous question, if agreed to

by a majority of Members voting, has the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

*Question:* What is a "filibuster"?

*Answer:* "Filibuster" meant originally a buccaneer such as plundered the Spanish colonies in America, and later, adventurers who led private armed expeditions into countries with which the country from which they set out was at the time at peace. From this general idea, the term has come to be colloquially used to designate organized obstructionist tactics in legislative bodies. It is the practice of deliberately taking advantage of freedom of debate (in the Senate) with a view to delay or preventing action on a measure under discussion.

*Question:* What business can be transacted by unanimous consent?

*Answer:* Practically anything can be done in either House by unanimous consent—except where the Constitution or the rules specifically prohibit the presiding officer from entertaining such a request; for example, admission to the floor of persons not included in the rule on the subject; the introduction of persons in the galleries, and so forth. A majority of the bills are passed by unanimous consent. Sometimes a leader will ask unanimous consent to bring up for immediate consideration a certain bill. If any Member objects it cannot be brought up in that way. However, the Rules Committee can immediately present a special rule for the immediate consideration of the bill and when a majority of the Members of the House vote for the rule, the bill is considered under the terms of that rule, which suspends all other rules. Members are permitted to address the House and extend their remarks in the Congressional Record by unanimous consent. If a Member abuses any privilege that is granted to him by unanimous consent, such as putting too much extraneous matter in the Congressional Record, any Member can stop it in the future by objecting to his requests. However, the Member whose request is objected to can retaliate by objecting to all unanimous-consent requests until his request is granted;

or if a Democrat objects to a request made by a Republican, the Republican will sometimes object to all requests made by the Democrats only until his request is granted, and vice versa.

*Question:* What is the difference between a resolution, a concurrent resolution, and a joint resolution?

*Answer:* A joint resolution is the work of both Houses, which requires the approval of the President as other legislation and upon enactment has the force of law. A concurrent resolution requires the approval of both Houses, but not of the President. It is not public law, but deals with matters over which the two Houses have concurrent jurisdiction. A simple resolution is simply the action of a single Chamber upon a matter within its own jurisdiction.

*Question:* What is a deficiency bill?

*Answer:* A deficiency bill is one carrying appropriations to supplement appropriations which have proved insufficient. Appropriations are normally made on the basis of estimates for a year in advance, and it not infrequently happens that intervening legislation adds new functions, or unusual conditions may arise which exhaust the appropriation before 1st July, when the new fiscal year begins.

*Question:* What is meant by a "rider" on a Congressional bill?

*Answer:* A "rider" is an extraneous provision incorporated in an appropriation bill, with the idea of "riding" through to enactment on the merits of the main measure. The practice is very old; in 1837 a "rider" on the fortifications appropriation bill would have provided for the disposal of the surplus funds in the Treasury. Under the rules any item of appropriation in a general appropriation bill that is not authorized by existing law nor in furtherance of projects already in progress is subject to a point of order (this is often waived by a special rule in the House); and the same with any provision "changing existing law", unless it is germane to the subject and designed to retrench expenditures (the so-called Holman rule). Occasionally a "rider" becomes law without the point of order being raised.

*Question:* What are the stages of a bill in the House?

*Answer:* Following in brief are the usual steps in procedure:

- (a) Introduction by a Member, by placing the measure in the "hopper", a box on the Clerk's desk; it is numbered and sent to the Government Printing Office and made available next morning at the document room.
- (b) Reference to a standing or select committee.
- (c) Report from committee—usually after hearing, either before the full committee or a subcommittee.
- (d) Placing on the calendar—according to its classification as a revenue bill, private bill, etc. Occasionally a privileged bill is considered when reported.
- (e) Consideration in Committee of the Whole, if on the Union Calendar—including general debate and reading for amendment, with speeches limited to five minutes.
- (f) Second reading and consideration in the House—in the case of bills considered in Committee of the Whole, the second reading is had in committee. In either case, the bill is open to amendment after the second reading.
- (g) Engrossment and third reading—the question is put by the Speaker as of course and decided at one vote. Any Member may demand reading in full. A negative vote at this stage defeats the bill as completely as a vote on passage.
- (h) Passage—the question of the passage being put by the Speaker as a matter of course without motion from the floor.
- (i) Transmission to the Senate, by message.
- (j) Consideration by the Senate—usually after reference to and report from committee, reading, debate, and opportunity for amendment.
- (k) Return from Senate with or without amendment—if the Senate rejects the House bill it so notifies the House.
- (l) Consideration of Senate amendments by the House—either agreeing, agreeing with amendment, or disagreeing with each amendment separately.
- (m) Settlement of differences by conference.
- (n) Enrollment on parchment paper.
- (o) Examination by the Committee on Enrolled Bills—

the chairman of the House and Senate committees each certifying as to each House bill examined that it has been found truly enrolled and the certifying by the Secretary of the Senate as to Senate bills.

(*p*) Signing—by the Speaker first in all cases, then by the President of the Senate.

(*q*) Transmittal to the President of the United States.

(*r*) Approval or disapproval by the President—usually after referring it to the Department affected for recommendation.

(*s*) Action on a bill vetoed—the House or Senate may consider the veto message at once, postpone consideration of the message to a day certain, or refer the same to a committee. If it fails to pass the House to which returned, by a two-thirds vote, no further action is taken.

(*t*) Filing with the Secretary of State on approval or passage over veto.

*Question:* What courses are open to the President when a bill is presented to him?

*Answer:* (*a*) The President may promptly sign it, whereupon it becomes a law.

(*b*) He may hold it without taking any action, in which case it becomes law at the expiration of ten days (Sundays excepted), without his signature if Congress is in session. (He may refuse to sign the bill because he disapproves of the measure and recognizes that a veto is either politically unwise or useless, or because he is undecided about the bill's constitutionality, as was President Cleveland on the income-tax law of 1894, and prefers not to commit himself).

(*c*) He may veto the bill.

*Question:* What is a "veto"?

*Answer:* The word "veto" is derived from the Latin and means "I forbid".

The President is authorized by the Constitution to refuse his assent to any measure presented by Congress for his approval. In such case, he returns the measure to the House in which it originated, at the same time indicating his objections—the so-called veto message. The veto goes to the entire

measure; the President is not authorized, as are the Governors of some States, to veto separate items in a bill.

*Question:* What is a "pocket veto"?

*Answer:* By the Constitution the President is allowed ten days (exclusive of Sundays) from date of receiving a bill within which to give it his approval; if, within the ten days, Congress adjourns and so prevents the return of a bill to which the President objects, that bill does not become law. In many cases, where bills have been sent to him toward the close of a session, the President has taken advantage of this provision, and has held until after adjournment measures of which he disapproved but which for some reason he did not wish to return with his objections to Congress for their further action. This action is the so-called pocket veto. President Roosevelt instituted a custom of writing on the copy of a bill which he did not approve "Disapproved and signature withheld". He felt that Congress should know the definite reasons for his disapproval rather than just have the bill pocketed without explanation.

*Question:* What becomes of the bill after it is signed?

*Answer:* The signed bill is sent to the Department of State. There (in the Division of Research and Publication) it is given a number as a public law and published forthwith as a "slip law"—i.e., in individual form. At the close of each session these are consolidated in a bound volume called United States Statutes at Large.

*Question:* Are all of the laws of the United States published in one book? If so, how may it be obtained?

*Answer:* All of the permanent laws of the United States of general application currently in force are supposed to be included in the Code of the Laws of the United States of America. After each regular session a supplement is published, cumulating all laws enacted since the basic volume. The Code and Supplements are published under supervision of the Committee on Revision of the Laws of the House of Representatives, printed at the Government Printing Office, and procurable from the Superintendent of Documents. The Code costs \$16.50 for the four large volumes.



## REVIEWS

**The Elizabethan House of Commons.** By Professor J. E. Neale. Cape. 18s.

Professor Neale's examination of the Elizabethan House of Commons is the most important book on English Parliamentary history that has appeared for many years. It is a work of the highest scholarship, the fruit of long years of meticulous inquiry into an epoch of great significance in the history of Parliamentary evolution.

It is customary, and not incorrect, to consider the Stuart period as the most critical time in modern history for the survival of Parliamentary institutions. The English Parliament of the seventeenth century owed its survival very largely to the position it had built up in the later years of the sixteenth. This is an aspect of the matter over which the text-books have always been inclined to pass too lightly. The Tudors could manage their Parliaments, we learn, the Stuarts could not; Parliaments suddenly became much more difficult with the change of century and the change of dynasty; of course Elizabeth had had her little tiffs with the House of Commons; troubles were brewing before she died; but, all the same—so we used to generalize—Parliament under the Tudors was a relatively docile institution, kept well in hand by the Crown.

Professor Neale's brilliant and delightfully readable book reveals the Elizabethan House of Commons as the close and comprehensible forerunner of the Parliaments which defied and overthrew the Stuarts. It makes the later development comprehensible by revealing the country's social structure as reflected in Parliament and by showing how far already the Elizabethan House of Commons had ceased to be an instrument of the Crown.

The picture which Professor Neale draws, with plentiful concrete illustration from local and national documents, is in many ways different from our preconceived notions. In

the first place he points out that the creation of new Parliamentary seats, which has often been interpreted as a trick of the sovereign's for introducing Members attached to the Court party, was more often the reverse. New seats were created under pressure from the dominating families in order to accommodate their supporters or to gratify the local interests on which they partly depended. The sovereign was often reluctant.

The character of the House of Commons itself was, as Professor Neale points out, not at all like that of the average Third Estate. True "commoners" were in a minority on its benches, which were filled by the sons, cousins, brothers and more distant relations of the great. There were lawyers, of course, and some merchants, but, since the families who had risen to greatness in England during the sixteenth century despised neither trade nor the law, these men were often enough also attached to the new aristocracy by bonds of interest or kinship.

At this point it would be perilously easy to misunderstand the whole development of Parliamentaryism in England. What, it might be said, was the Tudor House of Commons a fraud? Was it not a House of Commons but an institution bearing that name which had been captured by the landed gentry? Where then is its virtue? What has become of the old theory of English history as the story of freedom broadening down from precedent to precedent?

This is indeed a fascinating paradox. Parliament survived in England precisely because of this change in the character of the Commons. The sixteenth and seventeenth centuries were the epoch of growing despotisms. In the interests of greater efficiency the idea of state centralization was triumphing everywhere, and mediæval representative institutions went down like ninepins before the new monarchic tyrannies. They went down precisely because the Third Estate, that which represented the people, did in many countries truly consist of the people, relatively humble citizens who could be intimidated and bullied, and who were cut off by social taboos and difference of interests from the surviving feudal

aristocracy who alone had the military power to defy the crown. But in England the equivalent of the Third Estate was the House of Commons, consisting of "commons" drawn from wealthy and noble families who were not afraid to defy the crown and were competent to do so. Owing to its wholly unorthodox character the English House of Commons could not be checked when it stretched out its hands for control of the King's policy.

So much for the general aspects of the case. The great value of Professor Neale's book lies in his examination of the men who filled this uncommon House of Commons. Although they were drawn from a relatively small section of the population their interests and connections reached every part of English life, local and national, agricultural, commercial and manufacturing. They were in close sympathy with the needs and aspirations of the nation. This is evident, for one thing, from the examples which Professor Neale gives of contemporary electioneering methods. There was a good deal of family rivalry, some rowdiness between supporters of contesting local great ones, much jockeying for position, and some sly dodges by returning officers, but almost no bribery and corruption in the eighteenth century or modern sense.

Space does not permit a full description of the details of this remarkable book in which a whole society is brought to light. Professor Neale has cleared away some misapprehensions as to the character of the Elizabethan House of Commons at a critical time and shown how, in a peculiarly effective manner, Elizabeth's lively and often obstreperous Parliament reflected the needs and moods of the nation, with which its Members were in touch at every level and in every sphere, during a period of rapid national change and expansion.

Popular institutions vary from age to age. It is easy to misunderstand their nature by measuring them against our own ideas and methods. The essential is that they should represent the needs of their own time and be capable, as the years go on, of expansion, growth and change from within.

C. V. WEDGWOOD.

(*Miss C. V. Wedgwood, F.R.S.L., F.R.Hist.S., is Deputy Editor of Time & Tide*)

**George III, Lord North and the People, 1779-80.** By Professor H. Butterfield. Bell. 30s.

**Creevey.** Selected and re-edited by John Gore. Murray. 21s.

**My Friend H.** By Michael Joyce. Murray. 21s.

The period covered by these three books, the late eighteenth and early nineteenth centuries, is probably the most important in the development of our parliamentary history. During it took place the transition of the House of Commons from a body controlled through pocket boroughs, bribery and intimidation by an oligarchy of aristocratic landowners to one which was based on the more representative vote of a large proportion of the middle classes; from a House unassured even of equality with its rival components of Parliament, the Sovereign and the Lords, to one whose position was obviously destined to be that of the dominant partner. The means whereby the elected House gained this freedom and ascendancy were attended by many circumstances and incidents of a critical nature, when, at times, the threat of recourse to revolution appeared likely to replace appeal to constitutional means.

Professor Butterfield's study of *George III, Lord North and the People* is a lengthy and erudite analysis of a critical year or so within this period. Based entirely on original sources from which the author has drawn copious illustrations, the book has an especial value for the specialist in the period; the lay reader may at times feel somewhat overwhelmed by the detailed examination and scholarly comprehension which Professor Butterfield lavishes on this relatively short period. For him "Our 'French Revolution' is in fact that of 1780—the revolution that we escaped." Internally the threat directed against the respective existing regimes does appear to have certain similarities. In both France and England there were incompetent administrations, corrupt assemblies and selfish rivalries, which were nurturing a growing and widespread discontent with the political structure. But despite the exhaustive evidence which is marshalled as proof of a potential catastrophe similar to that in France some few years later,

one hardly feels that our crisis contained the same inevitable consequences. That long accumulation of discontent, basic and widespread, repressed and unrelieved, which festered in France, had the stamp of implacability which hardly characterized its English counterpart. Serious though our own situation was, one feels, despite Professor Butterfield, that that dynamic energy necessary to precipitate any cataclysmic strife was lacking in the causes and the characters of political leaders, both in Parliament and the country. The Whigs, in their bid for power, would go so far and no further; indeed were incapable of going further. The upper and middle-class leaders of agitation in the country were prepared to protest and petition, but not to encourage or lead the masses into any attempted *coup d'état*. Yet the agitation for reform, as Professor Butterfield shows, was, through such organizations as the Yorkshire Association of Wyvill and the Westminster Committee of Fox, widespread and replete with danger to the administration of Lord North. Though its fruits were at the time negligible, it served to direct attention to the grave vices in our political system, to formulate demands which were subsequently re-echoed, to provide illustration and example for the organization of future extra-parliamentary pressure in the field of political reform.

There were other crises, as Professor Butterfield shows, which contributed to the gravity of this period. The tea had been brewed in Boston Harbour and successive regiments of red-coated mercenaries chased across New England and Virginian fields, events which, humiliating though they were to national pride, were not perhaps viewed by the nation at large with that sense of calamity which retrospect tends to give them. The French and Spanish Fleets were in command of the near Atlantic waters, but, rotten though the morale and hulks of His Majesty's men and ships were, it is doubtful if the enemy were in much better shape. The Volunteer Movement in Ireland threatened to become a near-revolutionary instrument of economic demands and to transform that country into a springboard of invasion. And finally there occurred the more popular and less comprehensible

Gordon Riots with their attempt to coerce Parliament. Against such a background of circumstances we are given a picture of the fight of George III and Lord North in the arena of Parliament against the Whig and Radical elements which sought to overthrow the Administration. If at times this fits in a little vaguely and disjointedly with the account of the extra-parliamentary agitation, Professor Butterfield, with a judicious and scrupulous eye, has examined those political protagonists whose characters and actions have long been the subject of controversy. The result has been some additional delineation, particularly of George III and Lord North, which often provides a corrective to the more popular conceptions of the leading personalities of the period. In conclusion Professor Butterfield's volume, despite an over-emphasis on the gravity of the situation during 1779-80, is by its scholarly and comprehensive investigation an essential and primary historical work, not only on the period itself, but for an understanding of those later years when once again the battle-cry of reform was heard.

The Creevey Papers have, in this present volume, been "selected and re-edited" by the author from two former works, one, *Creevey's Life and Times* (1934), by himself, and the other, *From The Creevey Papers* (1903), by Sir Herbert Maxwell. Covering the period 1793 to 1858 the work forms, in some of its extracts, a useful continuation as a partial source book to those chapters in Professor Butterworth's volume which trace the political agitation begun in the House of Commons, but delayed by the long years of struggle against Napoleon's power. Creevey, himself a Whig Member of the House and acquainted with many of the foremost Whig politicians and their families, merits, like Croker and Greville, the gratitude of posterity for his assiduous compilation of accounts, reflections and correspondence relating to his time. His very industry indeed has set his editors and their publishers a formidable task. In 1903 Sir Herbert Maxwell selected from out of a vast mass of manuscript material enough to fill two volumes. Mr. Gore in 1934 heroically re-skimmed the cream to fill a third volume. The present work represents

a selection taken partly from Maxwell's volume and partly from that of Mr. Gore's 1934 edition. Where Maxwell appears to have "perfectly covered the ground" his selections, it is stated, have been included, especially when the chief interest was political. Particularly towards the end of Creevey's life, when his interest in politics was that of the retired statesman, or in years where political matters were of lesser interest, Mr. Gore has reprinted chapters from his own volume. The result appears to have been a none too ideal piece of editing, and one echoes Mr. Gore's own regret that he had not both space and time for all deserving "passengers and passages". Nevertheless, for the reader interested in the political and social life of the first thirty odd years of the nineteenth century, the volume is full of entertaining and instructive observations. To illuminate and humanize the broad pattern of historical narrative, such sources as Creevey are essential. And Creevey himself was in many ways an ideal commentator on the affairs of his period. Ubiquitous, observant and shrewd he possessed not only many of those qualities which fitted him to note and comment acutely on more intimate aspects of his contemporaries, but also a capacity to attract the confidences of young and old, male and female alike. Indeed, one is tempted to ask Mr. Gore that some day, despite the "execrable" nature of Creevey's handwriting, he will resume the inimitable and gay companionship of his subject, and give us a full length and definitive edition of the papers.

In *My Friend H.*, Mr. Michael Joyce has produced a most enjoyable and readable life of John Cam Hobhouse, Baron Broughton. Hobhouse was the contemporary of Creevey, but more radical in his political faith, though with the years he softened into a moderate liberalism. As Hobhouse was in his early manhood the friend of Byron, it is perhaps inevitable that a fair amount of attention should be devoted to his relations with the poet. Indeed, it is this friendship with Byron that has sometimes tended to obscure the importance of Hobhouse as a politician. Elected as a Radical for Westminster in 1818, that serious solid strain bequeathed him by his mercantile middle-class forebears began to assert itself after an early life

of "not immoderate riot" with the "wicked" Lord. His first chief interest was in factory legislation, and when the Whigs came ultimately into power he went to the War Office for a brief year, a post hardly congenial to one who had become associated with such unpopular agitation as the removal of flogging from the army. He had a further period in office as President of the Board of Control, but, pressed to keep his office against the rising talent of Gladstone's generation, he retired to the Upper House. There his active interest in political life rapidly diminished, and he turned more and more to family and literary interests. And thus there emerges from Mr. Joyce's biography the picture of Hobhouse, first the literary aspirant, ensnared though at times bewildered and repelled by the genius of Byron, then the earnest Radical, warm-hearted, sensitive but sincere, well-meaning and philanthropic, mellowing into the minor ministerial colleague of Melbourne and Russell. A pleasant and necessary tribute to one who, if not attaining high eminence, was of that stock of politicians essential to the progress of society.

J. D. LAMBERT.

**The English Parliament.** By Kenneth Mackenzie. Pelican Books. 1s. 6d.

**The Parliament Book.** By Guy Eden. Staples Press. 7s. 6d.

**100 Facts on the Ballot Box.** Smatterbook No. 23. General Editor: Charles Graves. Naldrett Press. 6d.

"Of the making of books about Parliament there is no end." So reads the publisher's blurb for Mr. Kenneth Mackenzie's excellent book. The volume of literature now available on the development of parliamentary institutions in Britain is a measure of the interest there is in the subject. And so great is this volume of literature that the most difficult problem facing the author of a new book on the subject is likely to be the choice of a title. All the best titles were used up long ago! Mr. Mackenzie calls his book *The English Parliament* which has the advantage of simplicity even if it suggests



that the Parliament of the United Kingdom is a monopoly of the English.

The book is "not a history of parliament, but a historical account of certain of its leading principles and features". As such it forms a valuable supplement to such books as *Our Parliament* which set out to describe how the British Parliament works today. It is interestingly and concisely written, with just the right amount of quotation from original documents to appeal to the general reader. Eight pictures are included. It has the great merit of only costing one shilling and sixpence.

The author is content for the most part to state the facts, but in one or two places he expresses a hope or an opinion. On the question of House of Lords reform he writes: "Some day, perhaps, the ancient right of the Crown to choose its councillors without regard to hereditary principle or political allegiance will be restored. A second Chamber consisting of life peers chosen for their eminence in every field . . . would have a sound historical basis and a strong claim to moral authority." Writing of the problem of Parliament and the public corporations, Mr. Mackenzie suggests that the solution might be for Parliament to fulfil its duty by the appointment of select committees to examine the administration of these boards.

My only complaint about this book is concerned with the "authorities" listed at the end of some of the chapters. These are of little interest to the general reader and somewhat perfunctory for the expert. It is, for instance, misleading to refer the reader to the 1938 editions of Jolliffe and Keir when both these books have appeared in new editions since the war. And surely Sir Ivor Jennings should be mentioned among the authorities for any book on the British Parliament?

*The Parliament Book* is an admirable guide book—to what? The Palace of Westminster? Yes, but more than that. To Parliament as an institution? Yes, but more than that, too, Mr. Eden has captured and kept alive in 160 pages the spirit of Parliament.

Mr. Eden is well qualified for the task he has undertaken, for he has worked since 1923 as one of that select body of men

known as lobby correspondents. It is typical of the British parliamentary system that these men, to whom Cabinet ministers can safely entrust secrets "off the record" and who interpret the proceedings of Parliament—as distinct from reporting them—have no official status. Yet their work is an indispensable part of the functioning of Parliament. But to work for a quarter of a century in the precincts of the Palace of Westminster is not in itself enough to qualify a man for doing what Guy Eden has done. In addition to being there, to knowing how Parliament works, to being familiar with the complications of procedure, a man must love Parliament if he would know her well and essay the task of capturing her moods, her whims, her unpredictable reactions and illusive atmosphere. Guy Eden not only knows Parliament but he loves it, and that is why he has written a good book and he has written it the right way.

The Palace of Westminster in which Parliament meets takes up the first half of the book, and in his tour of the building Mr. Eden pauses on every page to entertain and instruct the reader with a reminder of some historical event intimately linked up with the growth of Parliament, a growth which is in large part the story of a long struggle between the Crown and the representatives of the people.

Some idea of the drama which sometimes takes place in the House of Commons can be obtained from the pages in the second part of the book when the author describes the House at work and tells of such famous scenes as the abdication of King Edward VIII and what happened when Chamberlain was invited to Munich. Incidentally, Mr. Eden in his next edition should put a footnote to his description of the latter event. There was one man who did not "jump up and cheer"; there were others who walked out.

The Editor of the "Smatterbooks" series writes in the introduction to 100 *Facts on the Ballot Box* that "the object of Smatterbooks is to present in a convenient form a collection of essential facts. . . . Each fact is important. . . . All are accurate".

A collection of facts can of course be as propagandist in

its consequences as a first class collection of untruths. Indeed it is generally recognized that the basis of all good propaganda is careful selection of the truth. The anonymous author of *Smatterbooks* No. 23 is obviously a fervent believer in the system of proportional representation, and 70% of the facts collected in this book will appeal most to those who share the author's views on this subject. I happen to be well disposed to the idea of experimenting in Great Britain with the alternative vote, but I am under a moral obligation to inform readers of *Parliamentary Affairs* that it would be possible to collect at least an additional fifty facts on the Ballot Box setting forth the merits of the majority system of voting.

STEPHEN KING-HALL.

**The Story of Our Parliament.** By Agnes Allen. Faber. 8s. 6d.

Mrs. Allen has sought to apply the technique of the historical novel in this book for children, in which she labours to make palatable the dry facts of parliamentary history and procedure by embodying them in a form of fiction.

The book opens gaily with Mr. Bennett hurrying through his breakfast and off to the office, leaving his two young children, Margaret and John Bennett, in the clutches of a know-all schoolmaster, Mr. Morrison, and of Uncle Charles, who has just been elected a Member of Parliament. So far all is jam. But by page 15, the young pair are being given gregory powders in the form of the Great Council of 1265 and Simon de Montfort's summons to the cities and boroughs to send representatives to Parliament. By the time they are stomaching details of the Reform Bill of 1832 on page 18, Mrs. Bennett providentially arrives and "ordered the children off to bed". Upon which, obedient John looks wistful and wishes he could attend the House of Commons when Uncle takes the oath.

Mrs. Allen's two children speak like creatures of indifferent Victorian fiction. On being shown over the House of Commons by their mentors, they utter dutifully the twin expressions "Gosh" and "Coo" at the hours of sitting, at the payment of

knights of the shire and at the fact that a stonemason became a Member of Parliament. Even the immortal Eric's language might be held to border on impropriety if placed side by side with the following dialogue:

"I don't see what they have debates for at all if people can vote without listening to them", began Margaret rebelliously. 'And anyway—'

"Oh, do dry up, Margaret", said John, 'and let Uncle Charles tell us about Divisions. Go on, Uncle Charles.'

"Well—where was I? When a question has been debated, the Speaker "puts the motion to the House" . . ."

Alas, Uncle Charles has misled the children. When a *motion* has been debated, the Speaker puts the *question* to the House. This small discovery tempts us to analyze the gregory powder itself in order to find out whether Mrs. Allen's literary offspring are being dosed with the true purgative of knowledge or some inefficacious substitute.

Describing a Bill's introduction in Parliament, Mrs. Allen makes Uncle Charles say on page 103:

"When the item on the Order Paper, "That such and such a Bill be read for the first time" is reached the Speaker reads out the motion and the Minister introducing the Bill bows. Then the Speaker says, "Those in favour say Aye, those to the contrary No." Nobody says anything whatsoever, and the Speaker says, "The Ayes have it."'

"The children looked at Uncle Charles in bewilderment. Then John burst out laughing.

"'You do things in a funny way in Parliament', he said."

We would sincerely agree with John if Mrs. Allen's description remotely tallied with the truth. But it is a jumble of inaccuracy, which could have been avoided by sending John to buy the official Manual of Procedure in the Public Business (pages 118-119) laid on the Table by Mr. Speaker for the use of Members, and freely sold to intending authors by the Stationery Office.

Similarly, when on page 30 Mrs. Allen informs us that the Clerk of the House has a private residence in the building, we can only assume that she was relying on a very out-of-date

guide book, instead of the modern official guide. It is hoped that Mrs. Allen does not insist on her description of procedure under the Parliament Acts, on page 106; recent legislation has rendered this passage obsolete. When she teaches on the same page that a Bill which is passed by the Commons is marked "*Soit baille aux Seigneurs*" we can assure her that this is not so: the House of Commons is sensitive about its acute accents, even in the employment of Norman French. Mrs. Allen talks about the Controller of the Household, but good children should learn to spell it "Comptroller"; and she has no authority to amend the title of the Outlawries Bill (page 134).

There are wooden pips in the jam, too. To enliven a description of the House of Lords, Mrs. Allen makes a character say:

"That is the Bar of the House of Lords, and that is where Joyce (the broadcasting traitor) stood. . . ."

Should not the paragon children have been made to retort that appellants in the Supreme Court of Appeal do not stand at the Bar? Counsel would be most embarrassed by such proximity; and Joyce, in fact, sat in an obscure corner of the benches available for the public.

Again, though the pages of the book are interspersed with pen and ink drawings, they are scarcely educative. In one of these, entitled "Front bench privilege", a Member is seen reclining on the front Opposition bench with his feet on the dispatch box. This is not part of the custom of Parliament; it may be that leaders of the Opposition have rested their hands on the dispatch box, but they are not simians.

These comments are perhaps enough to indicate that Mrs. Allen is not yet mistress of the seemingly irregular but, in fact, precisely regulated household of parliamentary affairs.

There is another and more general criticism. A good teacher may make a few slips and get away with it. But is Mrs. Allen a good teacher? She has undertaken to tell the story of Parliament, and it may be argued that the way to do so is to present facts. In this book, facts are so mingled with fiction that even an adult might be puzzled, and neither the

facts nor the fiction have been well sorted. Pugin and Fenton are mentioned. Pugin, of course, assisted Barry the architect; but Fenton is the surname of Uncle Charles. In a book which covers seven centuries in 185 pages of largish print, neither of these names would appear to be really necessary.

The children of today are serious and prepared to learn. But they are quick to discern any instructional device which seems to them like hoodwinking by adults, and it will not be long before they guess that in this book the "story" is a fairly transparent device to force knowledge down their throats. At that point most children will begin to lose interest. The plain story of Parliament, if presented without tinsel trappings, is still great enough to stand up to the test of childish impatience.

T. G. B. COCKS.

(*Mr. T. G. B. Cocks, O.B.E., is a Clerk in the House of Commons.*)

**Can Parliament Survive?** By Christopher Hollis, M.P.  
Hollis & Carter. 9s.

Mr. Christopher Hollis's recent book has already received much publicity. It has been well-deserved publicity, and one's only complaint can be that it has given the impression that the book is a detailed statement of the case for a reform of Parliament. It is nothing of the sort. Mr. Hollis has many virtues—he has much that is new to say about old subjects and some new ones to explore, he writes with verve and wit and gusto, he manages to be both a Tory and an intellectual, and, while violently partisan about his own ideas, he is never too *parti pris* for those of other people; but attention to detail and concentration upon a single, important, but fairly narrow theme are not amongst them.

He can never resist chasing a hare, even if usually for no more than half a field or so. As a result, we find passages like the following: "If labour is to be kept on the land, a way must be found of offering a career in agriculture to the man of ability. Smallholdings are useful for some people . . . it is one of the virtues of the new mechanized farm that it provides many jobs intermediate between that of farmer and worker . . .", in a chapter headed "Reform of the Constitution".

We have Mr. Hollis's views on most of the main events of English history in the past 300 years, on Guild Socialism, on the economic predominance of the United States, on the balance of power within the Labour Cabinet and on a host of other subjects, as well as a brilliant posing of the, to him, central problem of the disintegrating effects of the new world of large units upon human society—all crowded into 148 pages. In these circumstances it is not surprising that he should be able to spare only nine pages for his constructive proposal for the reform of Parliament.

What is this briefly-expressed proposal? It is to set up a House of Industry, with members elected to it on some corporate plan, to delegate all industrial and most detailed economic questions to it, and thus to set the House of Commons free to discuss, with nineteenth century leisure, such purely political questions as the second half of the twentieth century may throw up. "The model for it (the House of Industry)" writes Mr. Hollis, "is the Assembly of the Church of England". The House of Commons would retain the same right of veto over the legislation of the new House as it has over that of the Church Assembly.

The analogy is apt only in so far as it exposes very clearly some of the disadvantages of Mr. Hollis's proposal. He points out that, by this century, "owing to the general growth of ignorance", theological knowledge had become confined to a few, and that it was therefore ridiculous for Parliament to discuss detailed ecclesiastical affairs. This may be true, but it is also the case that the impact of the Church of England on the lives of a great number of people had declined very sharply. What was anomalous about the 1927 debates on the Prayer Book, for instance, was not that the speakers lacked expertise—this was in no way the case—but that the great majority of members had no real concern for the subject on which they were called upon to vote.

This is certainly not so with industrial questions. Detailed knowledge about them may not be as high as it should be, but their impact on the lives of everybody is immense, and it is tending to increase rather than to diminish. A Parliament

which was completely to abandon control over them to another House would become a caricature of a sovereign body, while if it were to maintain *effective and frequent* use of the right of veto, the power and usefulness of Mr. Hollis's new House would be largely nullified.

It may be that Parliament is ill-organized for the modern world, and is therefore losing prestige. It is difficult to believe that it could regain this by hiving off its responsibility for the major domestic problems of the day.

ROY JENKINS.

(*Mr. Jenkins was elected Member of Parliament for Southwark Central in April, 1948.*)

**Journal of the Society of Clerks-at-the-Table in Empire Parliaments.** Edited by Owen Clough, C.M.G. Butterworth. Annually, 30s.

I am glad of the opportunity to call the attention of readers of *Parliamentary Affairs* to the *Journal of the Society of Clerks-at-the-Table in Empire Parliaments*.

This Journal, edited by Mr. Owen Clough, C.M.G., late Clerk of the Senate, Union of South Africa, is published yearly. It deals with matters of general interest which have occurred in the various Empire Parliaments, with special emphasis on those connected with procedure. For example the current volume (No. XVII) of the Journal contains articles entitled "Standing Orders of the House of Lords relative to Private Bills, etc."; "The Parliament Bill, 1947-1948"; "House of Commons Procedure 1948"; "Canada: House of Commons Procedure, 1948"; and "Hybrid Bill Procedure", all concerned with this subject.

The first of these articles includes a brief history of the office of Chairman of Committees and describes the proceedings of the House of Lords on Personal Bills, Special Orders and Special Procedure Orders. No other published source exists which gives information on these matters. This article is a companion to the one which appeared in Volume XIV of the Journal and together they form the most



up-to-date and authoritative account there is of private bill legislation in the Imperial Parliament. In my opinion every reference library on parliamentary practice should contain these two volumes. Their value to Parliamentary Agents and solicitors connected with the promotion of Personal Bills cannot be overstated.

Alterations of procedure at Westminster often become reflected in other parliamentary institutions: this is no doubt the reason why Mr. Clough gives special prominence in his *Journal* to such changes. Therefore the student of procedure and those wishing to keep informed of the trend of parliamentary practice should read this *Journal*.

R. L. OVERBURY.

*(Sir Robert Overbury, K.C.B., is Clerk of the Parliaments.)*

**Political Opinion.** By the Association for Planning and Regional Reconstruction, with Henry W. Durant. Allen & Unwin. 10s. 6d.

This publication aims to present the facts of the last four general elections in an easily available form and to give some analysis of their implications. Much painstaking work has obviously been put into the preparation of the maps and tables of which it chiefly consists; but the results are disappointing. The authors do not seem to have envisaged their task with sufficient clearness, and so their presentation lacks form and unity. It is a little difficult to see what they are really getting at, and the significant parts of the work are not easily separated from the routine stuff to be found in the usual reference books.

The Introduction starts off on the wrong foot by suggesting that neither cartography nor "pictorial statistics" has hitherto been applied to politics, and by giving, with the implication that it is exhaustive, a list of published quantitative work on politics that could easily be doubled in length. Such naïvetés do not inspire confidence. However, the Introduction contains what is probably the most interesting and potentially useful section of the work: an analysis of the voting in 1945, based on

two Public Opinion Surveys, one made before the election and the other during the interval between the polls and the counting of the votes. But each "sample" included only about one elector in twenty thousand, which, allowing for the heterogeneity of the electorate in respect of age, sex, education, occupation, etc., seems hardly adequate. Moreover, nothing is stated as to the method of sampling, so that we cannot judge to what extent the persons questioned did in fact form "a representative microcosm of the whole electorate." The facts that no Forces electors were included, and that the men considerably outnumbered the women, seem to throw some doubt on this.

The division of the country into regions for statistical purposes has probably been done as well as is possible; but it is doubtful whether any real significance attaches to such a division. Much stress is laid on "barometer" constituencies, and the figures about them are interesting; but it is difficult to see to where this all leads. If we could have a miniature general election in these constituencies it would be another matter.

The format of the publication—pages roughly eleven and a half inches by nine inches, with smaller interleaves, the whole secured by ring binding—is highly inconvenient for the bookshelf. No doubt it was adopted to give as large a page as possible for the maps, but these, though excellently drawn by Kitty Boole, are still far too small for their purpose, and they contain detail so microscopic as to be practically unreadable. Imagine all the results of four general elections in the 62 London boroughs compressed into a square of little more than one centimetre side! The typography is good, though the tables are set in inconveniently small type. A more normal size of book—say demy octavo—with much larger folding maps would have been more serviceable.

To sum up: the book is interesting and, up to a point, useful. But it could have been so much better.

J. F. S. ROSS.

(*Dr. Ross is the author of "Parliamentary Representation".*)

**An Introduction to Public Administration.** By E. N. Gladden, M.Sc. (Econ.), Ph.D. Staples Press. 12s. 6d.

The purpose of this short book is to fill the gap between those volumes upon Constitutional History and Theories of Government standing at one end of the shelf and the smaller works on the day to day business of a Civil Servant at the other end. The author specifically limits the class of his readers to those with no previous knowledge of the subject and he warns this audience that his book is an introduction and little more.

The gap on the shelves is wide. The subject extends over Central, Regional and Local Government and claims to include the fields of the Public Corporation and other quasi-public Commissions and Boards. It has another dimension, of depth, concerned with different levels of responsibility and discretion in each field of government and in result the whole subject has a breadth and complexity that may well have deterred others from writing at night of their labours by day. The book suggests the need for a team of collaborators to provide first hand experience in all fields and at many levels of industrial, clerical, executive and administrative work—a new Whitehall Series perhaps—but in the meantime the author offers this digest of much reading and thinking related to his own experience.

Measured against the standard of its own expressed purpose this book has a definite value for students, despite some obvious limitations. To the reader anxious for first hand knowledge it offers a condensed account of what Public Administration looks like at the executive level. Much of this condensation is well done and ably illustrated by charts but some, particularly at the higher levels, suffers from major omissions and absence of perspective. The book assumes that Administration is limited largely to the carrying out of instructions and the supervision of staff, and this assumption leads to a chapter on Cabinet Control (or the Administrative Brain) which conceives that power is completely centralized and Departmental autonomy a blessed memory. The heavy condensation attempted in this book results in some unevenness of treatment, in the overweighting of some items included and the omission

of others important to any sound understanding of the whole kaleidoscope. Yet if the student does what Dr. Gladden asks him to do, which is to use this book as a pattern of reality against which to study the books at the ends of the shelf, then the purpose has been well served provided the pattern is real. The student should not accept that executive Power is the key to government organization but should study administration by Consent; with this limitation he will find the book useful.

G. E. MILWARD.

**Days for Decision.** By the Rt. Hon. Anthony Eden. Faber. 9s. 6d.

**Let Candles Be Brought In.** By Sir Geoffrey Shakespeare. MacDonald. 21s.

**Bermondsey Story.** By Fenner Brockway. Allen & Unwin. 15s.

Except that these three volumes have to do with politicians and politics, they have not much in common, but each has a particular interest and all are certain to make a strong appeal to certain sections of the politically minded as well as to the reading public in general.

Mr. Eden's book is of outstanding importance in this year of the General Election. It has the great advantage of being the work of the Deputy Leader of the Opposition himself, and is not the rather slap-dash collection of bits and pieces we too often see sent out under famous political names. It is evident that the author has made a careful selection from his speeches and writings, and the result is a document of first importance. The book is divided into three parts covering Domestic Affairs, The British Commonwealth, and Foreign Affairs. In each of these spheres of political activity, Mr. Eden moves with authority and distinction and he still retains a remarkable personal popularity in all parts of the House of Commons. Members always give him an attentive hearing and thus some of the best things in this book are his Parliamentary speeches on the Economic Crisis; Nationalization; and The House of Lords. Reports of speeches in the country provide us with Mr.

Eden's interpretation of Conservative policy. In January last year Mr. Eden left London for a Commonwealth tour which lasted several weeks, and the section dealing with that tour is of exceptional interest. Altogether this is an important and timely volume which will be welcomed by the author's supporters and political opponents, alike for the man and the matter.

It was my good fortune to be in the 1929 Parliament, and that gives me a special interest in the other two volumes on this list. Both Sir Geoffrey Shakespeare and Dr. Alfred Salter (who is the hero of Mr. Brockway's story) were also there. Mr. Shakespeare sat with a band of well-known Liberals, and Dr. Salter was one of the many M.Ps. sponsored by the then very influential Independent Labour Party.

The pretty title of the Shakespeare autobiography refers to long ago days in Parliament, pre-electricity days of course, when "Let Candles Be Brought In" was the parliamentary motion to secure the illumination of the Chamber when darkness fell. It is not the fault of the author if he has failed to shed light on many public men and certain public affairs, for this is a very full and informative book. It is very well written, too, and I have rarely enjoyed more any political autobiography. For some years the author was secretary to Lloyd George and he has many interesting stories to tell of the great Prime Minister of the first world war. Sir Geoffrey paints on a large canvas, but he needed to do so for he has crowded much into his busy public life. For seventeen years he represented Norwich in Parliament (1929-45) and served altogether in seven departments under four Governments. At the end of the book the author has added a chapter on his distinguished father, Dr. J. H. Shakespeare, the eminent statesman of the Baptist denomination; and there is much else in the book beside political matters. It abounds with good stories and many excellent illustrations. It would be a pity for anyone interested in the events and personalities of the last thirty years to miss this vastly entertaining volume.

Mr. Fenner Brockway brings to his task a practised and careful style. His patience has enabled him to write a valuable

## REVIEWS

story of Bermondsey and of Alfred Salter who had so much to do with the Borough, as doctor, in local government matters, and as its M.P. for many years. If the first interest of this book must be for Londoners and Labour pioneers, the story told is one which will well repay reading by a much larger public. If there is a complaint to be made about the book it is that it abounds in too much detail but, doubtless, that very detail will help to establish *Bermondsey Story* as a valuable sociological document. In any case, a conscientious biographer of Salter had so much to tell, for here was a man who lived, fully lived, in several spheres though to most his name is likely to be longest remembered as that of an uncompromising pacifist. Alfred Salter lived just long enough to learn of Labour's great electoral triumph in July, 1945, but within a few weeks of that news his ardent career had closed and he died on August 24th leaving behind him Bermondsey sorely stricken by the effects of war but bearing, amid ruins and misery, the promise of a rich fulfilment of the vision and work of a man who declined fame and fortune in Harley Street to serve Bermondsey.

GORDON LANG.

*(The Rev. Gordon Lang was Member of Parliament for Oldham, 1929-31, and for Stalybridge, 1945-50.)*

**Australian Government Today.** By Geoffrey Sawer.  
**The Concept of Sovereignty.** By G. V. Portus. **The  
Planned State and the Rule of Law.** By W.  
Friedmann. Melbourne University Press (London:  
Cambridge University Press). 2s. 6d. each.

The several attempts made by the Socialist Government at Canberra during the past six years to amend the Constitution with a view to substituting a unitary for a federal system of government have provoked a widespread interest in administrative practices and political theories that is in marked contrast to earlier attitudes. One result has been a considerable output of studies of Australian affairs which has gone far to

meeting the complaint that there was little literature available in these fields for overseas students.<sup>1</sup>

The three pamphlets, the subject of this review, are "the first of a series of informative booklets to be issued from time to time . . . dealing with various aspects of contemporary Australian Affairs . . . with which Australian writers and thinkers are now concerned".

*Australian Government Today*, by Assistant Professor Sawyer, deals critically and comparatively with Federal, State, and Local Government in the Australian Commonwealth. As such it is an admirable introduction for those who wish to know how the Federal system works; to what extent Parliamentary methods have diverged from the practices of the Mother of Parliaments; what peculiar influences are produced by a system of compulsory voting; and why local government has been comparatively neglected. The chapters on the "New Despotism", and on "the Liberty of the Subject" should be compared with Professor Friedmann's treatment of these matters in his booklet.

It is inevitable that by attempting to cover the whole governmental canvas of the Commonwealth and the States, Professor Sawyer's picture should suffer from compression. He rightly stresses the Federal Constitution as a "Compact", for only by that approach can the interpretation by the High Court of the Constitution be understood. Nevertheless this section hardly does justice to the serious political stresses caused by the persistent and unsuccessful efforts of the Socialists between 1942 and 1948 to alter the Constitution.

There are some inaccuracies, of which two of the more important may be noted. On page 23 Professor Sawyer says that the New South Wales Legislative Council may delay *taxation bills* for a month, after which they become law without its approval. This provision applies only to Appropriation Bills. Indeed the amending legislation of 1932 had two main

<sup>1</sup> The series of studies published by the Australian Institute of Political Science, annually since 1933, together with *The Australian Quarterly*, is a noteworthy exception, but since the several books comprise papers and discussions at the Institute's Summer and Winter Schools, they lack comprehensiveness and continuity.

objectives. The first was to prevent the abolition of the Legislative Council without a referendum, and the second was to impose a check upon taxation. If there is a deadlock on taxation bills, the government must either withdraw or submit its measures to a referendum of the electors.

On page 43 Professor Sawyer says that both Brisbane and Sydney have established a single metropolitan authority for local affairs. Sydney has no such body, and the Cumberland County Council which he mentions is merely concerned with "planning" the future growth of the Sydney metropolitan area by such methods as zoning green belts, determining industrial areas, and locating road and rail communications. He does not mention that the City of Newcastle, a dense industrial area in New South Wales, has a single metropolitan government which is operating successfully.

*The Concept of Sovereignty* is the Presidential Address to the History Section of the Australian and New Zealand Association for the Advancement of Science by Professor G. V. Portus, at the meeting held in Perth in August, 1947.

It is a delightfully written essay and traces the changing content of the idea of sovereignty throughout the ages, as well as the different senses in which the word has been used. Of special interest is his attempt to find where sovereignty lies in federations such as the United States of America and Australia.

Professor Portus would like to drop the word altogether from political discussions, for he says that the real question is not the nature of sovereignty but the *locus* of power in a community.

In dealing with the place of the national sovereign State in the World of States, Professor Portus argues that allegiance to a sovereign state is not incompatible with allegiance to a World Government; in this case, we should not invoke the theory of sovereignty at all, but should deal with the type of World Government on its merits, remembering that the State is not an end in itself but mainly a means for enabling the ordinary citizen to obtain the maximum of satisfactions from its activities.



*The Planned State and the Rule of Law* by Professor Friedmann is an irritating essay. The author is aggressively concerned to denounce Professor Hayek's concept of a planned society and its effect upon the rule of law, and to align himself with some present-day critics of Dicey's treatment of the Rule of Law. Professor Friedmann, like Humpty Dumpty in *Through The Looking Glass*, insists that when he uses a word it means just what he chooses it to mean. Consequently his legalistic discussion of the planned state and the rule of law never gets to grips with those who doubt whether liberty can ever be real in the planned state of the Socialists.

In the last four pages (cf. pp. 27 *et seq.*) Professor Friedmann concedes the main claims of the critics of planning, and by a development of that part of his essay he might have made a real contribution to elucidating the extent to which the threat to liberty is contained in such matters as the direction of labour, and the throttling of criticism by allocating newsprint or by suppressing electoral comment immediately prior to an election as has been done by the present Socialist Government in New South Wales.

Professor Friedmann concludes by suggesting ways and means for reconciling planning with "democratic principles of justice". He urges that the privileges of the State should be reduced to the absolute minimum; that there should be proper control of administrative discretion; and that the State, as business manager of vast enterprises, must renounce the "shield of the Crown".

The Melbourne University Press is to be commended upon its enterprise, and it may rest assured that further booklets in this series will be welcome.

F. A. BLAND.

(Professor F. A. Bland, M.A., LL.B., is Emeritus Professor of Public Administration, University of Sydney.)

**Congress in Action.** By George H. E. Smith and Floyd M. Riddick. Manassas, Virginia: National Capitol Publishers Inc. 75 cents.

The subtitle, "How a Bill Becomes a Law", is an apter

description of the paper-backed booklet by Smith and Riddick than its title, "Congress in Action". A comic strip with cursory embellishment of text, it follows in cartoon form the adventures of a Bill in Congress on its rough road to becoming a Law. Unfortunately, the personality of the bruised and battered Bill overshadows the more important one of Congress, which remains the merest shadow. An amusing if not very successful attempt at mass education, it should give a British reader a very genuine feeling of sympathy for American Presidents as they struggle to secure from the antiquated and ponderous machinery of Congress action prompt enough for the requirements of modern times.

DAVID C. WILLIAMS

**Eyewitness No. 12: The Opening of the Canadian Parliament.** 16 mm. sound film (717 feet) made by the National Film Board of Canada and on hire from the Hansard Society.

**Brains Trust on Parliament.** Speakers: W. J. Brown, M.P., Frank Byers, M.P., R. H. S. Crossman, M.P., Sir William Darling, M.P., William Gallacher, M.P., and Commander King-Hall. Album containing ten unbreakable, double-sided 12-inch gramophone records. Hansard Society. £6 10s.

**A Bill is Passed.** Map Review No. 93. The Bureau of Current Affairs. Obtainable from the Hansard Society. 1s. 6d.

**Houses of Parliament.** Filmstrip No. 178. British Instructional Films Ltd. Obtainable from the Hansard Society. 10s.

The demand for information on the working of the parliamentary system grows daily, and a variety of instructional media (in addition to books, pamphlets, and periodicals) for use in schools, colleges, youth clubs and the like are now available. The Hansard Society has for some time been aware of the need for good documentary films on different aspects of British parliamentary democracy and which would include scenes taken in the Palace of Westminster. Until a film of this

nature is produced we cannot do better than refer those interested to the excellent documentary film noted above. The film was taken inside the Canadian Parliament Building and shows, among other things, the reading of the Speech from the Throne and the introduction of new Members.

The gramophone records noted above were made at a Hansard Society Youth Conference. A great many controversial problems of parliamentary government are discussed by speakers with first-hand experience of the House of Commons. Sets can be purchased or hired from the Society.

The Bureau of Current Affairs' *Map Review* (in reality a large poster) on how a bill becomes law was prepared in consultation with the Hansard Society. It presents in pictorial form the various stages through which a proposal to change the law passes—the departmental discussions, informal consultations with interested groups, the drafting of the bill in the office of the Parliamentary Counsel, its various stages in both Houses of Parliament, and the giving of the Royal Assent. The process of law-making is briefly explained in the text and is illustrated by a picture of each stage and a facsimile of part of some relevant document. The text also includes a number of questions designed to stimulate discussion of the principles of the parliamentary system. The poster as a whole shows clearly the machinery by which the law is changed, though inevitably little can be done in the space available to emphasize the unwritten customs of parliamentary democracy and the spirit which enables it to function.

The filmstrip prepared by British Instructional Films Ltd., is concerned with the Palace of Westminster. It consists of twenty-nine pictures of the Palace together with a plan of the building, and is accompanied by some useful "Teaching Notes". The pictures are of good quality and the strip as a whole gives an excellent impression of the building in which the two Houses of Parliament meet. There is an unfortunate reference in the "Teaching Notes" to *Lord Robert Peel*.

Copies of the film, gramophone records, and filmstrip may be hired from the Hansard Society. Details of the conditions of hire can be obtained from the Secretary, 39 Millbank, S.W.1.



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